

11-10-98 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 10, 1998.

Members present: Councilman H. Davis Ballard (arrived at 7:32 p.m.); Councilwoman Mary L. Flood; Vice Mayor E. Thomas Messier; Councilman Ronnie C. Rice; and Councilman Robert T. Wandrei.

Members absent: Mayor G. Michael Shelton and Councilman Larry D. Brookshier.

Staff present: Chief of Police Milton Graham, Acting City Manager; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Vice Mayor Messier opened the meeting and let all present in saying the Pledge of Allegiance to the Flag.

As there were no additions or corrections to the minutes of a called meeting held on October 23, 1998; and a regular meeting held on October 27, 1998 the minutes were approved as distributed.

Vice Mayor Messier stated that Council has been invited to attend an educational and informative presentation on electric deregulation sponsored by the Blue Ridge Power Association and hosted by the Bedford Electric Department. The presentation will be held at the Peaks of Otter Lodge from 8:30 a.m. until 4:00 p.m. on November 14, 1998. Vice Mayor Messier indicated that lunch will be provided and no Council business will be discussed.

Councilman Ballard arrived at 7:32 p.m.

Vice Mayor Messier stated that two police officers will be graduating from the Cardinal Criminal Justice Academy (after 15 weeks of training) on November 13 at 7:00 p.m. at Salem High School. Those graduates are Mike Heller and Latrenda Sanders. Council is invited to attend.

Vice Mayor Messier stated that 1st Sergeant Bob Ratliff has extended an invitation to the Mayor, Council members, and the City Manager to an Open House being held at the recently renovated Virginia State Police Area Office. The Open House is November 18 from 11:00 a.m. until 1:00 p.m.

Vice Mayor Messier requested that an item be placed on the agenda of the next regular Council meeting regarding a review by Council of the ordinance amending the City leaf pickup policy. The Vice Mayor asked that the Solid Waste Committee be asked to review this policy so it can be discussed at the next Council meeting. The Vice Mayor stated he has gotten a number of calls from the elderly in the City concerning these citizens having

commercial contractors pick up their leaves then having to pay for the leaves to be hauled to the landfill.

The Consent Agenda consisted of the following item:

Authorize the closing of the following streets for the Christmas Parade on Saturday, December 5, 1998 (rain date Saturday, December 12):

College Street and Ashland Avenue near the Recreation Field and, if necessary, Ashland Avenue in the vicinity of the Elks National Home;

Peaks Street from College Street to North Bridge Street to West Main Street, West Main Street to Fourth Street to the County Recreation Field.

On motion by Councilman Wandrei, seconded by Councilman Rice, voted upon and carried, the Consent Agenda was approved.

Chief Graham stated there is reorganization going on within the Cable TV Company. The Chief reported that the request for Council approval to change of control of the CATV franchise has been reviewed by the City's Attorney, Douglas W. Harold, Jr., who recommends approval by Council.

Councilman Rice moved that Council approve the resolution consenting to change of control of the CATV Franchise.

Councilman Rice commented on the frequency of changing holding companies for the franchise.

The motion was then seconded by Councilman Wandrei, voted upon and carried by the following roll call vote:

Councilman Ballard	aye
Councilman Brookshier	absent
Councilwoman Flood	aye
Vice Mayor Messier	aye
Councilman Rice	aye
Councilman Wandrei	aye
Mayor Shelton	absent

The resolution follows as adopted:

RESOLUTION

CONSENT TO CHANGE OF CONTROL

OF CATV FRANCHISE

WHEREAS, InterLink Communications Partners, LLLP ("ICP") is the owner of a franchise granted by the City Council of the City of Bedford, Virginia (the "Franchising Authority") pursuant to Ordinance adopted July 18, 1995 (as amended to the date hereof, the "Franchise");

WHEREAS, Rifkin Co. is the general partner of ICP and is controlled by Monroe M. Rifkin ("Rifkin"); and

WHEREAS, the general partner has entered into a Voting Agreement, whereby ING Media Partners II, L.P. and ING Media C. Corp. (collectively, "ING"), and W S InterLink Corp. ("Willis Stein"), have collectively obtained the right to designate a total of four of the five directors of the general partner, and may also become shareholders of the general partner, thereby possessing ultimate control over ICP, although it is anticipated that Rifkin Co. and Rifkin will continue to exercise day-to-day management and control over ICP; and

WHEREAS, the cable television systems owned by ICP are managed by R & A Management, LLC ("R & A"), a Colorado limited liability company, controlled by Rifkin & Associates, Inc., an entity that is wholly owned by Rifkin; and

WHEREAS, after the transfer of control of the cable television systems owned by ICP, R & A will continue to manage the cable television systems on behalf of ICP; and

NOW, THEREFORE, in consideration of the premises:

1. The Franchising Authority hereby confirms that (a) the Franchise was property granted; (b) there have been no amendments or modifications to the Franchise, except as set forth herein; (c) ICP is in substantial compliance in all material respects with the provisions of the Franchise; (d) there are no defaults under the franchise, or events which, with the giving of notice or passage of time or both, could constitute events of default thereunder; and (e) the Franchise remains in full force and effect in accordance with its terms.

2. The Franchising Authority hereby consents to the transfer of control of ICP from Rifkin to ING Media Partners II, L.P., ING Media C. Corp. and W S InterLink Corp. on the Closing Date.

3. The Franchising Authority does hereby consent to ICP's pledge and grant of a security interest to ICP's lenders, their successors and assigns, of, in and to the assets of ICP and/or its subsidiaries, including the Franchise and all rights of ICP related thereunder, to secure any indebtedness of ICP, and to the exercise by each of the secured parties of its rights as a secured party in the event of a default by ICP in the payment or the performance of any of its indebtedness or obligations secured thereby; provided, however, that nothing herein shall constitute a waiver of any right of the Franchising Authority to approve any other transfer or assignment of the Franchise.

Councilman Rice spoke regarding the following:

- asked that the Mayor set up an Animal Control Committee to deal mainly with the deer nuisance
- the lack of action by the D-Day Foundation to make the big field at Bedford Elementary School useable

Councilman Ballard indicated that he had received complaints about the number of deer and problems with buzzards in the City.

The Vice Mayor asked Chief Graham to tell the City Manager about Council's concern regarding the deer nuisance.

The Chief indicated that there is at least one accident per day involving deer in the City.

Vice Mayor Messier adjourned the meeting at 7:43 p.m.