

## 7-27-99 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., July 27, 1999.

Members present: Mayor G. Michael Shelton; Councilman H. Davis Ballard; Councilman Larry D. Brookshier; Councilwoman Mary L. Flood; Vice Mayor E. Thomas Messier; Councilman Ronnie C. Rice; and Councilman Robert T. Wandrei.

Members absent: None.

Staff present: City Manager Craig Meadows; 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.

The Clerk of Council brought to Council's attention two corrections to the minutes of the regular meeting of July 13, 1999.

Mayor Shelton declared that the minutes of the July 13, 1999, regular Council meeting were approved as corrected.

Council scheduled the Middle School Gymnasium dedication for 6:00 p.m., on August 24, prior to the regular meeting of Council at 7:30 p.m.

Mayor Shelton asked that members of the following groups be invited to attend: the Bedford City School Board, the Bedford County Board of Supervisors, the Bedford County School Board, all the educators involved with the school, and the Middle School Facilities Utilization Review Committee.

The City Manager brought to Council's attention a VAC/VML/MEPAV Electric Utility Deregulation Workshop scheduled to be held at the Roanoke Marriott on September 1. Members of Council are to notify the City Manager's office if they would like to attend.

City Manager Meadows reported the Industrial Development Authority (IDA) held a meeting on July 14. The Authority would like to become more active and involved in economic development within the City. The Authority has requested that the City consider appointing a member from the joint IDA to the vacant position on the City IDA. The Authority's new officers are as follows: David Keith, Chairman; Gordon Eubank, Vice Chairman; G. E. Murray, Secretary/Treasurer; and Elizabeth Berry-Mosley, Assistant Secretary.

Councilman Brookshier asked if the back railing issue at the Middle School Gym has been addressed. The City Manager stated a final recommendation from Craddock

Cunningham has not been received. The City Manager will have the Public Works Director contact Craddock Cunningham for that recommendation.

Councilman Rice asked about the status of establishing a soccer field at the old landfill site. The City Manager stated a group of individuals are checking into possible grants.

Councilman Rice mentioned a call he received from G. E. Murray about a problem with erecting a sign at the hospital.

Councilman Rice spoke about personal belongings being placed on rights-of-way as the result of individuals being evicted.

Discussion ensued regarding the state law that applies in this situation, and the City Attorney will look into the matter.

Councilman Ballard asked when the lines will be painted on Longwood Avenue.

City Manager Meadows stated that the Public Works Director met with the District Engineer of the Virginia Department of Transportation (VDOT) and discussed recommendations for realignment of the lines.

City Manager Meadows requested that the Street Committee review the recommendations made by VDOT to change a portion of the street lining on Longwood Avenue.

Councilman Wandrei mentioned that due to construction, there is a ditch washed out on Court Street. The City Manager will notify the construction company.

Councilman Brookshier asked if there will be a playground at Bedford Elementary School this year. The City Manager stated it is his understanding there will be.

Mayor Shelton reported that the Dixie Boys State Baseball Tournament for ages 13 and 14 began at Liberty Lake Park on July 24 and has been a success.

Mayor Shelton stated Council had copies of a handout given to the Bedford County Board of Supervisors from Mark B. Goode, member of the Bedford County School Board, regarding his desire to have the Board of Supervisors enter into consideration of changing the school contract between the City and the County.

The Mayor stated it may be wise if members of Council were to refrain from commenting on this issue, as there has been no official notification received from the County.

A brief discussion ensued.

Councilman Wandrei, Chairman of the City/County Relations Committee, stated a meeting of the committee will be held on this matter if necessary.

There was a discussion as to whether or not the Bedford County Board of Supervisors had already approved the Joint Dispatch Center Agreement.

On motion by Councilman Rice, seconded by Councilwoman Flood, voted upon and carried unanimously, Council waived the reading of the proposed ordinance regarding the Joint Dispatch Center Agreement, as the ordinance had been properly posted.

On motion by Councilman Rice, seconded by Councilman Wandrei, voted upon and carried unanimously by a roll call vote, Council adopted the ordinance authorizing execution of the Joint Dispatch Center Agreement. Roll call vote follows:

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

The ordinance follows as adopted:

**AN ORDINANCE AGREEING TO THE ESTABLISHMENT  
OF AN INTERJURISDICTIONAL AGREEMENT  
BETWEEN THE CITY OF BEDFORD  
AND BEDFORD COUNTY FOR THE  
OPERATION OF A JOINT DISPATCH CENTER**

**WHEREAS**, the City of Bedford and Bedford County have established a centralized dispatching facility to serve all law enforcement, fire and rescue personnel and to replace the separate systems operated by the Sheriff's Office and the City of Bedford Police Department; and

**WHEREAS**, the City and the County have agreed that the joint dispatching facility should be organized and operated as a joint dispatch center established under the provisions of Section 15.2-1300 of the Code of Virginia, 1950, which provides for two or more localities to act jointly under an interjurisdictional agreement; and

**WHEREAS**, the parties have caused to be prepared a document entitled "Agreement Establishing Joint Dispatch Center," and such agreements must be approved by enactment of an ordinance by the governing bodies of the participating jurisdictions;

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

Section 1. The City Council hereby approves the "Agreement Establishing Joint Dispatch Center" and the creation of an interjurisdictional Joint Dispatch Center pursuant to the provisions of Section 15.2-1300; and

Section 2. The Mayor and the City Clerk are hereby authorized to execute the said Agreement.

Section 3. This Ordinance shall take effect as soon as a similar ordinance has been enacted by the Board of Supervisors of the County.

City Manager Meadows stated that SouthernNet has requested a new franchise agreement. The City Manager indicated that City is in the process of reviewing its policies and procedures concerning the use of the public streets and other public places for telecommunications facilities and recommended that the franchise only be effective until June 30, 2000, or until such earlier date as a new franchise may be granted to SouthernNet.

Councilman Brookshier moved that the resolution be adopted. The motion was seconded by Vice Mayor Messier, voted upon and carried unanimously by the following roll call vote:

|                       |     |
|-----------------------|-----|
| Councilman Brookshier | aye |
| Councilwoman Flood    | aye |
| Vice Mayor Messier    | aye |
| Councilman Rice       | aye |

Councilman Wandrei            aye

Councilman Ballard            aye

Mayor Shelton            aye

The resolution follows as adopted:

**RESOLUTION EXTENDING THE DURATION  
OF SOUTHERN NET TELECOMMUNICATIONS**

**WHEREAS**, SouthernNet Systems, Inc., a Virginia corporation (hereinreferred to as "SouthernNet"), a subsidiary of MCI Telecommunications Corporation has operated and maintained certain telephone lines and associated equipment over, along, and through the streets, alleys and highways and other public places of the City of Bedford, Virginia, pursuant to a franchise ordinance enacted on January 13, 1987; and

**WHEREAS**, the 1987 Franchise Ordinance provided that it would remain in effect for five years from the effect date of the Ordinance and that the Franchise Agreement could be renewed upon the application of SouthernNet; and

**WHEREAS**, there has been no formal extension of the franchise, but the parties have been operating under its terms since 1987; and

**WHEREAS**, SouthernNet has requested a new Franchise Agreement; and

**WHEREAS**, the City is in the process of reviewing its policies and procedures concerning the use of the public streets and other public places for telecommunications facilities in view of changes in technologies and new legislation, and the City Council desires to confirm the extension of the existing franchise for a period of one year in order to enable the parties to negotiate a new Franchise Agreement.

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

1. That the City confirms that the franchise, right and privilege granted to SouthernNet of Virginia, Inc. (now SouthernNet Systems, Inc.), a subsidiary of MCI Telecommunications Corporation to maintain and operate telephone lines and associated equipment on, over, along, under and through the streets, alleys, highways and other public places of the City of Bedford, pursuant to an Ordinance enacted on January 13, 1987, is extended until June 30, 2000, or until such earlier date as a new franchise may be granted to SouthernNet.

2. The aforesaid extension of the franchise extension is conditioned upon the acceptance by SouthernNet, to be evidenced by a separate writing, of its continuing duties and obligations under the franchise as extended for the duration of such extension and, its agreement during such extension to participate and cooperate with the City of Bedford and its representatives and agents in such procedures as may be required for renewal of the franchise, including specifically providing to the City of Bedford, prior to January 1, 2000, a map designating specifically the areas within the City limits upon which SouthernNet has placed facilities on public property.

3. The City Manager shall be and hereby is authorized and directed to take such further actions as are necessary or appropriate to further the objectives of the resolution hereby adopted.

The City Manager stated that on October 14, 1998, the Commonwealth Transportation Board agreed to allocated \$450,000 for industrial access road funding for an access road to the new Industrial Park. A resolution has been prepared authorizing the City to enter into an agreement between the Commonwealth of Virginia, Department of Transportation and the City. The City Manager indicated that in order to comply with the requirement of State funding under this agreement, the City is required to reimburse the State for expenses incurred in this project, if eligible industries have not expended or contracted to expend at least \$6,000,000 in qualifying capital expenses with the Bedford Center of Business Park by October 14, 2001.

Vice Mayor Messier moved that Council adopt the resolution for industrial access road funding. The motion was seconded by Councilman Ballard, voted upon and carried by the following roll call vote:

Councilwoman Flood            aye

Vice Mayor Messier            aye

Councilman Rice                aye

Councilman Wandrei            aye

Councilman Ballard            aye

Councilman Brookshier       aye

Mayor Shelton                aye

The resolution follows as adopted:

## **RESOLUTION**

**WHEREAS**, the City of Bedford by Resolution adopted on June 23, 1998, requested that the Commonwealth Transportation Board provide industrial access road funding to provide an adequate road to the new Industrial Park located on the East side of Independence Boulevard; and

**WHEREAS**, in the Resolution of June 23, 1998, the City Council agreed to provide a bond to assure the Department of Transportation that the City of Bedford would reimburse the Department of Transportation in the event sufficient qualifying capital investment did not occur within the park within three years of the allocation of funds by the Board; and

**WHEREAS**, the Commonwealth Transportation Board on October 14, 1998, agreed to allocate the sum of \$450,000 for the requested industrial access road; and

**WHEREAS**, the action of the Board of October 14, 1998, requires the execution of an appropriate contractual agreement between the City of Bedford and the Virginia Department of Transportation, and a proposed agreement has been presented to the City by the Virginia Department of Transportation;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, VIRGINIA** that the Mayor and the Clerk of the Council are hereby authorized and directed to enter into the proposed agreement between the Commonwealth of Virginia, Department of Transportation, and the City of Bedford pursuant to the requirements of the Commonwealth Transportation Board as set forth in their action of October 14, 1998, and to execute such other documents as may be necessary in order to obtain the approved industrial access road funding.

City Manager Meadows stated a request has been received from InterLink Communications Partners, LLLP, for the City to consent to an assignment of the franchise to InterLink Communications Partners, LLC, (a Delaware limited liability company). Mr. Meadows reported that the existing company has met all financial requirements of its franchise, has paid its annual business license tax, and has paid all sums owed for pole attachments.

Mr. Dave Burks, representing the cable company, spoke regarding the cable television system.

Vice Mayor Messier moved that Council authorize the Mayor and the City Clerk to execute a consent of assignment of the cable television franchise to InterLink Communications Partners, LLC. The motion was seconded by Councilman Ballard, voted upon and carried unanimously.

Councilman Wandrei moved that Council adjourn into closed session pursuant to Section 2.1-344(a)(7) of the Code of Virginia of 1950, as amended, to consult with legal counsel of the City concerning the Council's responsibilities in reference to pending legal matters. The motion was seconded by Councilwoman Flood, voted upon and carried unanimously by the following roll call vote:

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

Council adjourned into the closed session at 8:30 p.m. Non-council members attending were: City Manager Meadows and City Attorney Berry.

Council reconvened into open session at 9:20 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 (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.

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

Councilwoman Flood            aye

Vice Mayor Messier            aye

Councilman Rice                aye

Councilman Wandrei            aye

Councilman Ballard            aye

Councilman Brookshier        aye

Mayor Shelton                aye

Mayor Shelton adjourned the meeting at 9:21 p.m.