

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., June 28, 2005.

Members present: Mayor E. Thomas Messier; Councilman Jeffrey B. Hubbard; Councilman Thomas M. Padgett; Councilman C. G. Stanley, Jr.; Vice Mayor W. D. Tharp; and Councilman Robert T. Wandrei.

Members absent: Councilwoman Mary L. Flood

Staff present: City Manager F. Craig Meadows; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

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

Mayor Messier declared that the minutes of a regular Council meeting held on June 14, 2005, were approved as distributed.

City Manager Meadows stated the following items needed to be added to the agenda:

- Resolution – Acceptance of Deed – WII Realty Management, Inc.
- Closed Session – Potential Property Matter (pursuant to Section 2.2-377(a)(3) of the Code of Virginia of 1950, as amended)

The Mayor stated that with the approval of Council, the items would be added to the agenda as the last two items under New Business.

The City Manager reported on the following items:

- Bell Town Road waterline project – bids are due July 12
- July 4th Holiday – City offices will be closed; Veterans' breakfast 8:00 a.m. at Liberty Lake Park; and Libertyfest at the Farmers Market 7-11 p.m. with fireworks at the D-Day Memorial around 9:00 – 9:15 p.m.
- Paving of South Street and Independence Boulevard should be completed by the end of the week.
- Virginia Municipal League Conference – October 23-25 in Richmond

City Manager Meadows stated that the current cable television franchise expires on July 18, 2005. The City is actively negotiating a new franchise with Charter Communications, but it is unlikely it will be finalized in time to be presented to Council prior to the expiration of the current franchise. Mr. Meadows stated it is in the City's interest to extend the franchise to allow the successful negotiation of a new agreement.

Mayor Messier waived the reading of the proposed resolution extending the cable television franchise.

On motion by Vice Mayor Tharp, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council adopted the resolution extending the cable television franchise. Roll call vote follows:

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

The resolution follows as adopted:

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF BEDFORD EXTENDING  
THE CABLE TELEVISION FRANCHISE AGREEMENT**

**WHEREAS**, pursuant to the Communications Act of 1934, as amended, 47 U.S.C. Section 521 et. Seq., the City may grant or renew a franchise to construct, operate and maintain a cable television system within the City limits;

**WHEREAS**, the current cable television franchise held by Charter Communications Inc. expires on July 18, 2005;

**WHEREAS**, the City has determined that it is appropriate and in the best interest of the City to amend the Franchise to extend its term until October 18, 2005 to provide additional time to conclude the franchise renewal negotiations; and

**WHEREAS**, the City Council of Bedford has determined that it is in the best interest of the citizens of the City to extend the existing cable Franchise Agreement to provide time for the renewal process with Charter pursuant to an updated Cable Television Ordinance which reflects recent changes in the industry.

**NOW THEREFORE**, be it resolved by the City Council of the City of Bedford, Virginia:

Section 1. That the term of the Franchise Agreement between the City and Charter is hereby amended to extend the current cable television franchise agreement to October 18, 2005. All other provisions of Franchise Agreement shall continue in full force and effect, and

Section 2. That Charter operates the cable system in the same manner as operated prior to this extension.

Section 3. The Franchisee continues to assume all obligations and liabilities of the Franchise, Cable Ordinance, this Resolution, transfer resolutions, all amendments thereto, any covenant, condition and agreements between the City and the Franchisee including without limitation, all obligations of the Franchisee as are currently required to be performed, but have not been performed.

Section 4. This Resolution shall take effect and be in force from and at the earliest time permitted by law.

City Manager Meadows reported that pending and proposed state legislation has the potential to consolidate the cable television franchise fee (as well as other telecommunications fees) at the state level and then reimburse localities. Mr. Meadows recommended that prior to the passing of this legislation, the City should consider adopting the maximum cable television franchise fee permissible or it will be forced into a lower reimbursement rate than other localities that have used the maximum rate historically. The maximum State rate allowed is 5%, which is 2% higher than the City's current rate. The current franchise fee has not changed during the lifespan of the current franchise agreement. Mr. Meadows indicated the FY 2005-06 budget includes a 5% fee as a revenue projection.

Mayor Messier waived the reading of the proposed resolution regarding the cable franchise fee.

On motion by Councilman Wandrei, seconded by Vice Mayor Tharp, voted upon and carried by a roll call vote, Council adopted the resolution regarding the cable franchise fee. Roll call vote follows:

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

The resolution follows as adopted:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BEDFORD ADOPTING A 5% FRANCHISE FEE**

**WHEREAS**, pursuant to the Communications Act of 1934, as amended, 47 U.S.C. Section 521 et. Seq., the City may grant or renew a

franchise to construct, operate and maintain a cable television system within the City limits;

**WHEREAS**, Section 20(b) of the Cable Television Franchise Ordinance grants the City of Bedford the right to adjust the franchise fee as permitted by governing law; and

**WHEREAS**, Section 622 of the Communications Act (47 U.S.C. 546), establishes the maximum franchise fee that a locality may collect as 5%;

**NOW THEREFORE**, be it resolved by the City Council of the City of Bedford, Virginia:

Section 1. That the franchise fee established in Section 20(a) be set at 5%.

Section 2. This Resolution shall take effect and be in force from and at the earliest time permitted by law.

City Manager Meadows stated that the Commonwealth Transportation Board of the Virginia Department of Transportation (VDOT) has modified its revenue sharing program by opening it to all counties, cities, and towns in Virginia who maintain their own road systems. The program has been opened to cities and towns via a one-time-only appropriation by the General Assembly, and the funding is limited to \$1 million per locality. Mr. Meadows explained how the program would work and reviewed the projects recommended by the staff for participation in the program.

Mayor Messier waived the reading of a proposed resolution regarding the VDOT Revenue Sharing Program.

On motion by Councilman Padgett, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council adopted the resolution regarding the VDOT Revenue Sharing Program. Roll call vote follows:

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

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The Resolution follows as adopted:

**RESOLUTION OF THE  
CITY COUNCIL OF THE CITY OF BEDFORD  
REGARDING  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
REVENUE SHARING PROGRAM**

**WHEREAS**, the Commonwealth Transportation Board of the Virginia Department of Transportation (“VDOT”) has modified its revenue sharing program by opening it to all counties, cities, and towns in Virginia maintaining their road system; now

**THEREFORE BE IT RESOLVED**, that the Council of the City of Bedford, Virginia, hereby requests to participate in the Commonwealth Transportation Board’s revenue sharing program, and submits the following list of potential projects identified for possible funding from the program, listed in terms of priority from highest to lowest, as follows:

From the FY 2006-2011 Six-Year Improvement Program:

1. Extension of Link Road to new Bedford County road, which would involve new construction of a road approximately 0.7 mile in length at an estimated cost of \$772,000;
2. Purchase of right-of-way for the minor widening of State Route 122 at an estimated length of 0.1 mile and an estimated cost of \$321,000; and
3. Preliminary engineering and construction activity related to the minor widening of State Route 122 at an estimated length of 0.1 mile and an estimated cost of \$1,034,000.

The following improvements not included in the FY 2006-2011 Six-Year Improvement Program:

1. Installation of a traffic light at the intersection of Independence Boulevard and Freedom Lane at an estimated cost of \$75,000;
2. Installation of guard rail along Highway 43 and U.S. Highway 460 at an estimated cost of \$30,000;
3. Installation of stamped asphalt crosswalks throughout the B-1 zoning district of the City of Bedford at an estimated cost of \$80,000;
4. Installation of a sidewalk along State Route 122 southward beyond U.S. Highway 460 at a length of approximately 0.5 mile and an estimated cost of \$75,000;
5. Improvement of the intersection of North Bridge Street with Bedford Avenue and Jackson Street at an estimated cost of \$557,000;
6. Installation of a traffic light at the intersection of Independence Boulevard and Orange Street at an estimated cost of \$100,000;
7. Construction of current published citywide sidewalk priorities at an estimated cost of \$250,000;
8. Citywide installation of guard rails as needed at an estimated cost of \$100,000;

9. Improvement and widening of Independence Boulevard at an estimated cost of \$500,000; and
10. Improvement and widening of Macon Street and Baldwin Street at an estimated cost of \$500,000.

Any available funding through the program shall be allocated based on the priorities listed above. Projects shall be fully funded in order of priority until such time as the available funding pool is exhausted. Once projects are fully funded according to their priority, any remaining funds shall be allocated toward the next remaining project on the priority list.

**BE IT FURTHER RESOLVED**, that the Council of the City of Bedford hereby agrees to pay its share of the total cost for preliminary engineering, right of way and construction of these projects in accordance with Section 33.1-44 of the Code of Virginia, and that, if the City of Bedford subsequently elects to cancel these projects, the City of Bedford hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

The City Manager stated that at the request of City Council, City staff has contracted with Abney Associates, Inc., to reconstruct the sidewalk and storm water drainage infrastructure located between 113 N. Bridge Street and 115 N. Bridge Street (alleyway from Bridge Street to the parking area.) In order to cover the funding required to complete the project, a transfer of funds from the Inflow and Infiltration Rehabilitation account to the Materials & Supplies – Sidewalks accounts needs to be authorized by Council. This would result in a transfer of \$31,171.38 from the Water & Sewer Fund to the General Fund, which requires the approval of Council.

The Public Works Director reviewed the specifications for the reconstruction and the reasons the reconstruction is needed.

Discussion ensued regarding the cost of the project.

Councilman Wandrei moved that Council approve the transfer of \$31,171.38 from Account 181874.3042 (Inflow & Infiltration Rehabilitation) to Account 104135.3657 (Materials & Supplies-Sidewalks.) The motion was seconded by Councilman Stanley, voted upon and carried by the following roll call vote:

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

The City Manager stated the City has been negotiating with WII Realty Management, Inc., to purchase real estate (6.08 acres) lying on the north side of Orange Street at the corner of Independence Boulevard. WII Realty Management, Inc., has tendered a deed to the City. The acquisition will allow the City to proceed with construction of a new Public Safety building. Mr. Meadows stated the City Attorney has prepared a resolution for Council's consideration authorizing the formal approval and acceptance of the conveyance.

Mayor Messier waived the reading of the proposed resolution regarding conveyance of real estate.

On motion by Vice Mayor Tharp, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council adopted the resolution approving and accepting conveyance of real estate at the corner of Orange Street and Independence Boulevard from WII Realty Management, Inc. Roll call vote follows:

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

The resolution follows as adopted:

**RESOLUTION APPROVING AND ACCEPTING  
CONVEYANCE OF REAL ESTATE AT THE CORNER OF  
ORANGE STREET AND INDEPENDENCE BOULEVARD FROM  
WII REALTY MANAGEMENT, INC.**

**WHEREAS**, the City of Bedford has negotiated with WII Realty Management, Inc. and has obtained an agreement to purchase for a price of \$225,000.00 certain real estate located on the northwest corner of Orange Street and Independence Boulevard, which property contains a site to be used by the City for a new Public Safety building; and

**WHEREAS**, the City has caused a survey to be prepared showing the meets and bounds of the proposed purchase containing 6.083 acres, as shown on the plat of survey entitled "Resurvey of Lot 2 of "Subdivision of 8.725 Acres from the Property of Williams Industries, Inc..." prepared by Wiley & Wilson, dated June 15, 2005; and

**WHEREAS**, WII Realty Management, Inc. has delivered to the City of Bedford, Virginia, a proposed deed dated June 28, 2005, conveying the 6.083 acres as shown on the new City plat; and

**WHEREAS**, the City Council deems it in the best interest of the City to accept the proposed deed and to record a certificate to that effect in accordance with statutory provisions for acceptance of deeds of conveyance to municipal corporations.

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

1. The City Council hereby approves acceptance of the Deed from WII Realty Management, Inc. dated June 28, 2005, conveying the 6.83 acres in consideration of a total purchase price of \$225,000.00.

2. The Mayor, the City Clerk, and the City Attorney are hereby authorized and directed to execute for recordation an Approval and Acceptance of conveyance indicating such acceptance pursuant to Virginia Code Section 15.2-1803.

3. This Resolution shall take effect immediately.

On motion by Councilman Hubbard, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council adjourned into closed session pursuant to Section 2.2-377(a)(3) of the Code of Virginia of 1950, as amended, to discuss real estate. Roll call vote follows:

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

Council adjourned into closed session at 8:00 p.m. The following non-council members attended: City Manager Meadows and City Attorney Berry.

Council reconvened into open session at 8:05 p.m.

On motion by Councilman Wandrei, seconded by Vice Mayor Tharp, voted upon and carried by a roll call vote, Council adjourned into closed session pursuant to Section 2.2-377(a)(7) of the Code of Virginia of 1950, as amended, to also discuss possible litigation.

Council adjourned into closed session at 8:06 p.m.

Council reconvened into open session at 8:35

The Clerk of Council read aloud the following 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.

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

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

Mayor Messier adjourned the meeting at 8:36 p.m.