

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., October 11, 2005.

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

Members absent: Councilwoman Mary L. Flood; Councilman Jeffrey B. Hubbard; Councilman Thomas M. Padgett.

Staff present: Interim City Manager Jack A. Gross; 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 September 27, 2005, were approved as distributed.

Clarke Gibson, Director of Public Works, reported that on October 5 the water level at the Stoney Creek Reservoir was twenty-six inches below the spillway. Mr. Gibson stated that due to the area receiving over nine inches of rainfall, there is now three inches of overflow at the spillway.

Mr. Gibson reported that the contractor has completed 1200 of 2300 feet of the eight-inch water line of the Belltown Road water line project. The completion date is November 12. Seven applications for utility service have been issued to the residents that will be connected and two have been returned.

Mayor Messier complimented the City staff on the work to get Bedford designated as an Enterprise Zone.

Mayor Messier stated that considering the potential increases in electric rates, he is resurrecting the Electric Advisory Board.

The Mayor stated that he is creating a Cemetery Advisory Board to help with citizen input.

The Consent Agenda consisted of the following item: reappointment of Allen F. Persinger to a four-year term on the Redevelopment and Housing Authority, said term to expire October 13, 2009.

On motion by Vice Mayor Tharp, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council adopted the Consent Agenda. Roll call vote follows:

Councilwoman Flood	absent
Councilman Hubbard	absent
Councilman Padgett	absent

	Councilman Stanley	aye
	Vice Mayor Tharp	aye
	Councilman	Wandrei
aye		
	Mayor Messier	aye

Interim City Manager Gross stated that the current cable television franchise with Charter Communications, Inc., expired on July 18, 2005, and was extended to October 18, 2005, at the June 28 Council meeting. Mr. Gross stated there has been a delay in delivering a pole attachment agreement to Charter and Charter has been slower than expected in having the locally negotiated items approved at the corporate level. Mr. Gross stated that it is not likely the agreement will be finalized in time to hold the required public hearings prior to October 18. The City is now actively negotiating with Charter Communications and progress is being made on a new agreement. The proposed resolution, which extends the franchise for an additional six months to expire on April 18, 2006, continues all of the obligations of the current franchise and ordinance.

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

Councilman Stanley moved that the proposed resolution regarding the cable television franchise be adopted. Councilman Wandrei seconded the motion.

Vice Mayor Tharp asked about the prices and fees in the contract.

Mr. Gross stated that the franchise does not address prices.

Vice Mayor Tharp stated that as slow as Charter is and as deplorable as their service level is, he would not support them in increasing their revenues while their level of service stays low.

The motion was then voted upon and carried by the following roll call vote:

Councilman Hubbard	absent
Councilman Padgett	absent
Councilman Stanley	aye
Vice Mayor Tharp	nay
Councilman Wandrei	aye
Councilwoman Flood	absent
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, operates and maintains a cable television system within the City limits;

WHEREAS, the current cable television franchise held by Charter Communications Inc. was previously extended from a term expiring on July 18, 2005 to a term expiring on October 18, 2005;

WHEREAS, the negotiations between the City of Bedford and Charter Communications are still ongoing; and

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 April 18, 2006 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 April 18, 2006. 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 preformed, but have not been preformed.

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

Mr. Gross stated that Council, on September 27, 2005, approved the purchase of a small strip of land between the existing landfill property and a lot fronting on Orange Street already owned by the City. The property will be used as part of the proposed solid waste transfer station. Mr. Gross reported pursuant to the purchase agreement between the City and Mrs. Kitty Johnston, the City Attorney has prepared a deed conveying the property to the City. The City Attorney has also prepared a Certificate of Approval and Acceptance of Conveyance executed by the Mayor and the City Clerk formally accepting the deed.

Mr. Gross stated that recordation of the instrument will comply with state law and the City Attorney has prepared a resolution authorizing the formal approval and acceptance of the conveyance.

Mayor Messier waived the reading of the proposed resolution.

Vice Mayor Tharp moved that the resolution regarding purchase of property for the solid waste transfer station be approved. Councilman Stanley seconded the motion. Roll call vote follows:

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

The resolution follows as adopted:

**RESOLUTION APPROVING AND ACCEPTING
CONVEYANCE OF REAL ESTATE ON
ORANGE STREET FROM
KITTY LEE F. JOHNSTON**

WHEREAS, the City of Bedford has negotiated with Kitty Lee F. Johnston and has obtained an agreement to purchase for a price of \$3,000, certain real estate located on Orange Street, which property become a part and parcel of the adjoining real estate owned by the City of Bedford fronting on the south side of Orange Street containing 2.098 acres; and

WHEREAS, the City has caused a survey to be prepared showing the meets and bounds of the proposed purchase containing 0.44 acres, as shown on the plat of survey entitled "Plat of 0.44 Acres to be Acquired By The City of Bedford fro Lawrence D. & Kitty F. Johnston..." prepared by City of Bedford Engineering Department, dated September 28, 2005; and

WHEREAS, Kitty Lee F. Johnston has delivered to the City of Bedford, Virginia, a proposed deed dated October 4, 2005, conveying the 0.44 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 Kitty Lee F. Johnston dated October 4, 2005, conveying the 0.44 acres in consideration of a total purchase price of \$3,000.00.

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.

Mr. Gross stated that the building used by the Chamber of Commerce and the parking area around it is owned by the City of Bedford, but has been used by the Chamber under a lease dated August 17, 1973. The lease is expiring and the City Attorney has prepared a new lease of five years to be executed between the City of Bedford and the Bedford Chamber of Commerce, Inc., providing for the leasing of property by the Chamber from November 1, 2005, through October 31, 2010. Mr. Gross stated that under the terms of the lease the Chamber will pay one dollar per year in rent and agrees to maintain its headquarters and central office on the premises. The Chamber is responsible for all repairs and maintenance. The City will be responsible for maintaining fire insurance and the Chamber will be required to obtain public liability insurance, insuring both the City and the Chamber.

Vice Mayor Tharp moved for the acceptance of the lease. Vice Mayor Tharp, upon recommendation of the City Attorney, amended his motion to include authorization for the Mayor and the Clerk of Council to sign the lease on behalf of the City. The motion was then 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	absent
Councilman Padgett	absent
Mayor Messier	aye

Mayor Messier adjourned the meeting at 7:40 p.m.