

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., April 11, 2006.

Members present: Mayor E. Thomas Messier; Councilwoman Mary L. Flood; Councilman Thomas M. Padgett; Councilman C. G. Stanley, Jr.; Vice Mayor W. D. Tharp; and Councilman Robert T. Wandrei.

Members absent: Councilman Jeffrey B. Hubbard

Staff present: City Manager Charles P. Kolakowski; 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 March 28, 2006, were approved as distributed.

The City Manager, on behalf of his family and himself, thanked everyone for the warm welcome they have received.

City Manager Kolakowski reported on the following:

- Announced that Clean-up Week would be commencing on April 17 and asked that all residents be as neat and patient as possible while the work crews pick up the trash.
- He has been meeting on a daily basis with various departments and staff working on the budget.
- Asked for a closed session involving a litigation matter.

It was the consensus of Council to add a Closed Session concerning possible litigation and conference with legal counsel as the last item under New Business.

Mayor Messier opened a public hearing concerning renewal of the Cable Television Franchise at 7:35 p.m.

The public hearing notice follows:

**PUBLIC HEARING CONCERNING  
RENEWAL OF CABLE TELEVISION FRANCHISE**

The City of Bedford is proceeding with the renewal process required by the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996. Charter Communications, the current cable operator, is seeking renewal of the cable television

franchise. The Bedford City Council will hold a Public Hearing on Tuesday, April 11, 2006 at 7:30 p.m. in the Council Chambers of the Municipal Building located at 215 East Main Street in Bedford for the following purposes:

To consider adoption of an ordinance, with the short title of "Cable Television Ordinance," that is intended to establish the terms and conditions under which the City of Bedford may award cable television franchises and renew existing cable television franchises. Specific provisions of the said Cable Television Ordinance, as well as a summary thereof, are available for public review at the City Manager's Office.

To consider the approval of a Franchise Agreement between the City and Charter Communications, which grants to said cable operator a renewal of its franchise to provide cable television service within the City of Bedford. Specific provisions of the said Franchise Agreement, as well as a summary thereof, are available for public review at the City Manager's Office.

Don Williams, Rice Williams Associates, reviewed highlights of a proposed Cable Television Franchise Agreement and the process involved in negotiating the agreement.

Jack Ozminkowski, Operations Manager, with Charter Communications, stated he was present to answer any questions.

As there were no further comments, the Mayor closed the public hearing at 7:45 p.m.

The Consent Agenda consisted of the following item:

- Request to Block Streets for "Tour of Shenandoah Race Stage 4 Finish" – Bedford Main Street, Inc. – (the event is in conjunction with the Gallery Walk) - the request is for a rolling street closure on the route entering the City and the late (approximately 6:00 p.m.) afternoon closure of West Main Street from the corner at Bridge Street to Center Street, and South Bridge Street from Main Street to Washington Street.

On motion by Vice Mayor Tharp, seconded by Councilman Stanley, voted upon and carried, Council approved the Consent Agenda.

The City Manager stated a request has been received to extend the period of consideration by Charter Communications on the Franchise Agreement. Mr. Kolakowski stated the staff recommends the extension be granted and that no action be taken at this time on the Franchise Agreement or the proposed ordinance.

James Ervin, Information Technology, reported that the letter from Charter Communications is asking for more time to consider the ordinance. Charter is not asking for an extension of the franchise. Mr. Ervin stated that Charter Communications is

requesting Council to allow them until May 31 to consider the ordinance. Mr. Ervin recommended that Council remove the two cable television items from the agenda and put those items back on the agenda at such time as Charter Communications has given the City its final approval and not extend the franchise. This would put additional pressure on Charter Communications given the pending sale of the company.

It was the consensus of Council to defer the following items until the next Council meeting: “Ordinance – Cable Television; and Franchise Agreement between the City of Bedford and Charter Communications.”

The City Manager stated the City has received grant funds through the State Department of Juvenile Justice (DJJ) pursuant to the Virginia Juvenile Community Crime Control Act (VJCCA). The City Manager stated that one of the requirements to receive the funds is for the City to reiterate its support and its knowledge of the plan and of the monies used. The services provided by this grant include crisis intervention and shelter care; outreach detention/electronic monitoring; and group home placements. All services are provided by the City of Lynchburg.

Mayor Messier waived the reading of the proposed resolution regarding the Virginia Juvenile Community Crime Control Act.

On motion by Vice Mayor Tharp, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council adopted the resolution regarding the Virginia Juvenile Community Crime Control Act. Roll call vote follows:

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

The resolution follows as adopted:

**A RESOLUTION AUTHORIZING THE CITY OF BEDFORD'S  
CONTINUED INVOLVEMENT IN THE VIRGINIA  
JUVENILE COMMUNITY CRIME CONTROL ACT PLAN**

**WHEREAS**, the Virginia Juvenile Community Crime Control Act (VJCCA) provides state grant funds to localities for the provision of services to juvenile offenders; and

**WHEREAS**, the City of Bedford has utilized VJCCA funds to pay for services such as crisis intervention and shelter care; outreach detention and electronic monitoring; and group home placements; and

**WHEREAS**, the State Department of Juvenile Justice requires the submission of a VJCCA plan for all participating jurisdictions every two years; and

**WHEREAS**, the City of Bedford and Bedford County participate in a combined plan so as to maximize available state funds for youth in the community; and

**WHEREAS**, Bedford County serves as the fiscal agent for all such funds received;

**NOW, THEREFORE BE IT RESOLVED**, that City Council does hereby authorize the City of Bedford's participation in a combined VJCCA plan and the acceptance of funds appropriate for the purposes set forth in the Act until written notice to the contrary is provided to the Department of Juvenile Justice this 11th day of April 2006.

The City Manager stated that Christmas in April of Bedford annually does renovations on houses throughout the County and the City for people who are financially or physically unable to repair or refurbish their homes. The group is requesting the City to waive the landfill fees as well as the permit fees for the construction code permits.

On motion by Councilman Stanley, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council waived the fees for projects to be undertaken by Christmas in April of Bedford, Inc., within the City. Roll call vote follows:

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

The City Manager stated there is a policy that whenever used equipment with a value of over \$5,000 is purchased by a City Department, City Council must approve the purchase. The Electric Department is requesting that Council approve the purchase of used warehouse equipment (shelving, cabinets, etc.) for use in the Electric Building. The purchase price is \$7,145.00 and the estimate for purchasing the same equipment new exceeds \$18,000. The City Manager stated it is recommended that the approval be granted for the purchase of the used equipment, which has been inspected and is in good condition.

On motion by Vice Mayor Tharp, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council approved the request to purchase used warehouse equipment in the amount of \$7,145.00 for the Electric Building. Roll call vote follows:

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

Councilman Stanley moved that Council adjourn into closed session pursuant to Section 2.2-3711(a)(7), possible litigation with legal counsel, of the Code of Virginia of 1950, as amended. Vice Mayor Tharp seconded the motion. The motion was voted upon and carried by the following roll call vote:

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

Council adjourned into closed session at 7:55 p.m. The following non-council members attended: City Manager Kolakowski, City Attorney Berry, and Assistant to the City Manager Bart Warner.

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

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

Councilman Wandrei	aye
Councilwoman Flood	aye

Councilman Hubbard	absent
Councilman Padgett	aye
Councilman Stanley	aye
Vice Mayor Tharp	aye
Mayor Messier	aye

Mayor Messier adjourned the meeting at 8:06 p.m.