

August 11, 2009

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., August 11, 2009.

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman Steve C. Rush; Councilman C. G. Stanley, Jr.; Councilman James A. Vest; and Vice Mayor 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 Tharp opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Tharp declared that the minutes of a regular Council meeting held on July 28, 2009, were approved as distributed.

The City Manager requested that a short meeting be held following the regular meeting regarding reversion.

City Manager Kolakowski read aloud the Public Hearing Notice:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the City Council at 7:00 p.m. on Tuesday, August 11, 2009 at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- To consider the tower space lease agreement between the City of Bedford and B2X Technologies.

Information regarding this request is on file in the office of Information Technology.

Anyone who is in favor of or opposed to the request will have an opportunity to express his/her views at this hearing.

By the Authority of the City Council of the City of Bedford

Mayor Tharp opened the public hearing at 7:01 p.m.

As there were no comments, the Mayor closed the public hearing at 7:01 p.m.

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City Manager Kolakowski reported that the City of Bedford owns three desirable tower sites or other vertical assets, space on which may be (and has been) leased to providers of telecommunications services. B2X Technologies, Inc., a Virginia Corporation, located in Salem, Virginia, has come forward and requested to lease space for telecommunications equipment on these two assets; namely, the radio tower on Helms St., and the water tank at the City Water Treatment Plant. A proposed lease has been negotiated for space on those facilities and a price, including services and annual payments, has been agreed upon by the City and B2X Technologies, Inc. The lease will be for a five-year term (with potential one-year renewals thereafter) commencing on 15 August 2009, and it will produce a regular revenue stream for the City.

The City Manager stated that under the provisions of Virginia Code, Section 15.2-1500 B, a locality may lease pole attachments or tower space; under the provisions of Virginia Code, Section 15.2-2160 C, a locality that operates an electric distribution system "shall provide nondiscriminatory access to for-profit providers of telecommunications services on a first-come, first-served basis to rights-of-way, poles, conduits or other permanent distribution facilities owned, leased or operated by the locality unless the facilities have insufficient capacity for such access and additional capacity cannot reasonably be added to the facilities."

Mr. Kolakowski said that a public hearing has been placed upon the agenda and a notice of the public hearing has been published one time in the paper in order to assure compliance with the state laws regarding leasing of property and in order to keep the public informed of the terms of the agreement. The City Manager asked Council, by appropriate motion, to approve the five-year Tower Lease Agreement with B2X Technologies, Inc. and that the Mayor and Clerk are authorized and directed to execute the Tower Lease Agreement on behalf of the City.

Councilman Stanley moved that Council adopt the lease agreement. The motion was seconded by Councilwoman Flood.

Upon a question by Councilman Vest, the City Manager reported that the towers are already in place and small antennae will be added to the towers.

Vice Mayor Wandrei pointed out that members of Council did not receive copies of the lease agreement to review.

Councilman Stanley amended the motion to make it subject to the review of Council members. Councilwoman Flood seconded the motion, which was then voted upon and carried.

Mayor Tharp adjourned the meeting at 7:06 p.m.