

TOWN OF BEDFORD

Bedford, Virginia

Regular Council Meeting

A G E N D A

September 12, 2017

7:00 p.m.

Administrative

Approval of Minutes
Report of Town Manager
Department Head Reports
Appearances before Council
Citizen Comments
Council Comments
Report of Council Committees
Revisions to Agenda

Public Hearings

1-CITY-10-2-9-12 Sale and Conveyance to GCP, LLC of lot behind Goose Creek Studios property located on Court Street

Consent Agenda

Old Business

New Business

2-CITY-10-2-9-12 Ordinance - Sale and Conveyance to GCP, LLC of lot behind Goose Creek Studios property located on Court Street (roll call)

3-CITY-20-1-9-12 Ordinance- Renewal of Cable TV Franchise (roll call)

Adjourn meeting to 4:00 p.m. on September 26, 2017, for Council Retreat at Liberty Lake Park Meeting Room

(SEAL)

PUBLIC HEARING NOTICE

(CONVEYANCE OF REAL ESTATE)

The Town Council of the Town of Bedford, Virginia, on Tuesday, September 12, 2017, at 7:00 p.m. in the Council Chambers, Municipal Building, 215 East Main Street, Bedford, VA 24523 will hold a public hearing pursuant to Virginia Code Section 15.2-1800 concerning approval of the sale by the Town to GCP, LLC for a price of \$5,500.00 of 0.107 acres adjoining the rear (eastern) boundary of the lot owned by GCP, LLC fronting at 302 Court Street upon which the Goose Creek Studios building is located. The parcel of land is a portion of land fronting on Plunkett Street which was conveyed to the Town by Charles H. Rucker and Lily P. Rucker by a deed dated March 27, 1964, and recorded in Deed Book 318, at page 132. The lot being conveyed will become a part and parcel of the lot fronting at 302 Court Street. A copy of the plat of survey dated August 1, 2016 is on file in the Office of the Town Manager.

Any citizen who is in favor or opposed to this request shall have an opportunity to be heard.

By order of the Clerk
Bedford Town Council

Publish: Bedford Bulletin
August 30, 2017

**TOWN OF BEDFORD, VIRGINIA
TOWN COUNCIL
ACTION FORM**

ITEM: Ordinance – Sale and Conveyance to GCP, LLC of lot behind Goose Creek Studios property located on Court Street

DATE OF COUNCIL MEETING: September 12, 2017

DATE: September 8, 2017

PRESENTATION:

The Town Council has reached an agreement with GCP, LLC, owners of Goose Creek Studios, which is located at 302 Court Street for sale by the Town of a small lot containing 0.170 acres to GCP, LLC for a price of \$5,500.00. The small lot is a part of real estate acquired by the Town of Bedford from Charles H. Rucker and his wife in 1964 and is shown on a plat prepared by B.R. Shrader, land surveyor, dated August 1, 2016.

The 0.107 lot will become a part and parcel of the 0.272 acre lot and by GCP, LLC that fronts on Court Street and will include a non-exclusive easement to use the asphalt roadway that runs from Plunkett Street across the Town’s real estate northwardly to a point adjoining the lot being conveyed. The purchaser has agreed to pay all costs.

Under state law (VA Code § 15.2-2100) sale of municipal property must be approved by a vote of the three fourths of all the members of council elected to the council after a public hearing; which has been scheduled with required newspaper publication. An appropriate ordinance has been prepared.

ACTION REQUESTED:

Town Council is requested, after the public hearing, to approve the sale to GCP, LLC of the 0.107 acre lot for a price of \$5,500.00 pursuant to the agreement of the parties by a special warranty deed to be delivered upon payment of the purchase price.

		YES	NO	OTHER	<u>ROUTING</u>	
DATE: _____	BLACK	()	()	()	TOWN ATTY. ()	I.T. ()
	HAILEY	()	()	()	COMM. DEV. ()	POLICE ()
APPROVED ()	JOHANNESSEN	()	()	()	ELECTRIC ()	PUBLIC SERV. ()
DENIED ()	RUSH	()	()	()	ENGINEERING ()	OTHER _____ ()
DEFERRED TO:	SCHLEY	()	()	()	FINANCE ()	
_____	VEST	()	()	()	FIRE DEPT. ()	
	WANDREI	()	()	()	H.R. ()	

Ordinance No. _____

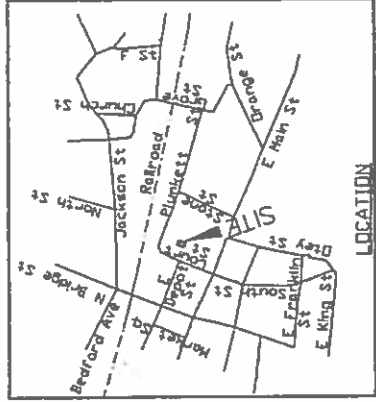
**AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF THE
REAL ESTATE LOCATED 302 COURT STREET**

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

Section 1. That the Town Council approves the sale to GCP, LLC for a price of \$5,500.00 of all that certain lot or parcel of land, located, lying and being in the Town of Bedford, Virginia containing 0.107 acres and adjoining on the west the real estate which was conveyed to GCP, LLC by a deed from Vincent G. Bear dated April 29, 2010, and recorded in the Clerk's Office of the Circuit Court of Bedford County as Instrument No. 100003857, the lot being conveyed being more particularly described on a plat of survey dated August 15, 2017, entitled "Subdivision of 0.107 Acres from the Property of the Town of Bedford, VA," dated August 1, 2016, prepared by B.R. Shrader, Town Surveyor, together with an appurtenant easement of access between Plunkett Street and the new lot of 0.380 acres over the existing asphalt drive located on the Town property leading in a southerly direction from Plunkett Street and over the small strip of land owned by the Town between the asphalt drive and the 0.107 acres conveyed herein.

Section 2. Upon payment of the instrument by the Purchaser, the Mayor and the Town Clerk are hereby authorized to execute and deliver a quitclaim deed conveying the real estate to GCP, LLC.

Section 3. This Ordinance shall go into effect immediately upon enactment.



LOCATION:
 THE PROPERTY AS PLATTED HEREON DOES NOT FALL WITHIN THE FEDERAL INSURANCE RATE MAP ONE HUNDRED YEAR FLOOD PLAIN. THE PROPERTY RESIDES IN ZONE UNDESIGNED X (UNF PARCEL 75101903095) DATED: 9/21/2010.

NOTE:
 LOCATION OF UNDERGROUND UTILITIES ARE UNKNOWN. PRIOR TO ANY EXCAVATION WORK "X" UTILITIES OF CENTRAL VIRGINIA MAY BE CONTACTED BY CALLING 1-800-552-7001.

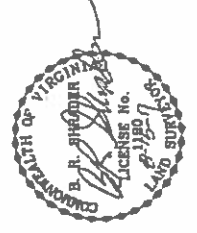
EASE:
 PART A PARCEL THE NEW LOT AS PLATTED HEREON IS TO BECOME PART AND PARCEL OF THE ADJOINING PROPERTY (TAX ID NO. A-85 T) AND IS NOT APPROVED AS A SEPARATE BUILDING LOT.

SOURCE OF TITLE:
 THE PROPERTY AS PLATTED HEREON IS A PORTION OF THE SAME PROPERTY AS ACQUIRED BY THE TOWN OF BEDFORD BY DEED RECORDED AT D.B. 318, P. 132 (PARCEL NUMBER ONE).

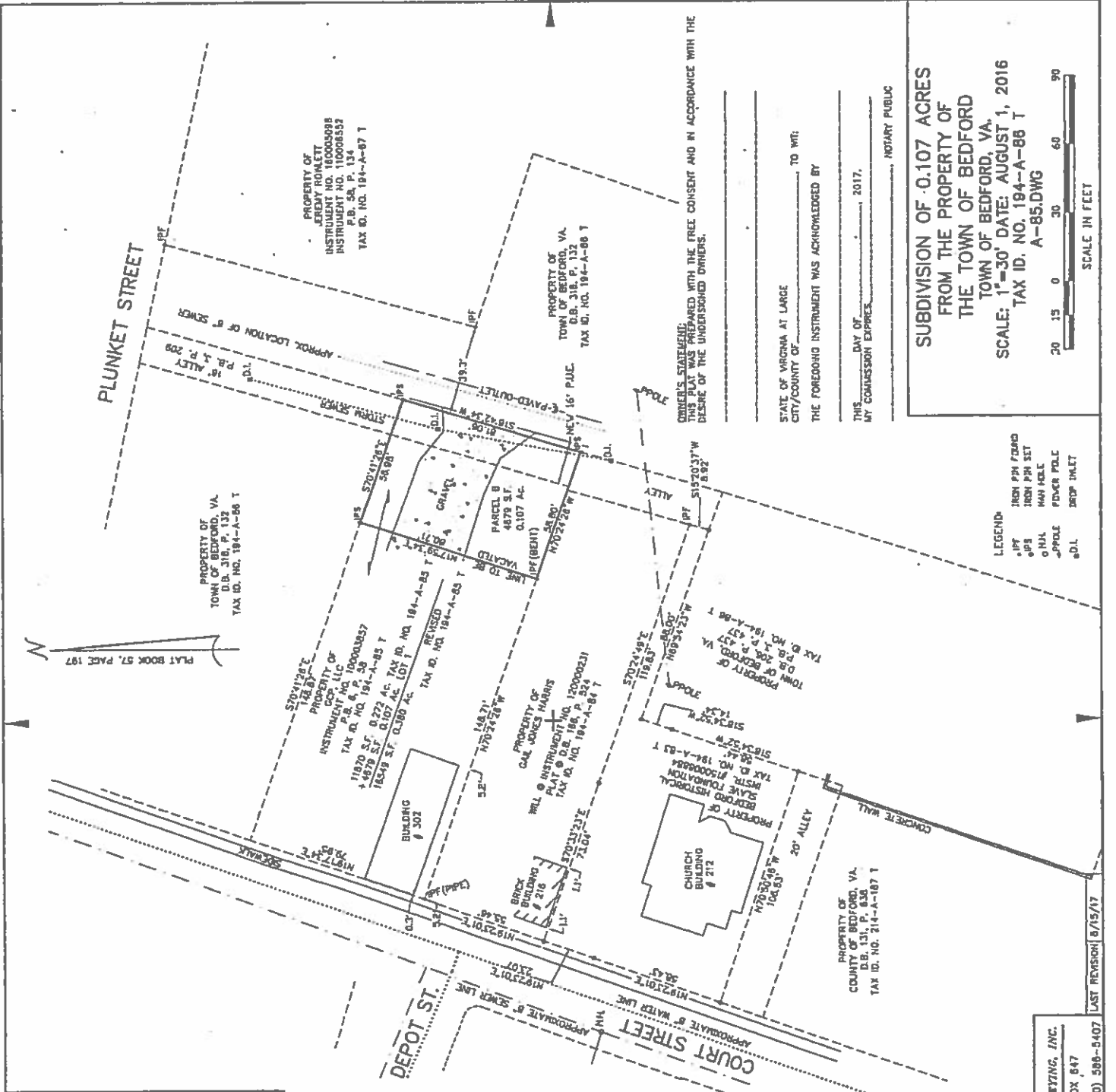
NOTE:
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

NOTE:
 THIS SURVEY IS BASED ON A CURRENT FIELD SURVEY.

TOWN OF BEDFORD
 Plat Approved
 Date: 8/15/17
 Filed must be recorded within 6 months of approval.



SHADER ENGINEERING & LAND SURVEYING, INC.
 110 S. BRIDGE ST.
 BEDFORD, VA
 PHONE (540) 598-4710 FAX (540) 598-5407



LEGEND:
 -IPF IRON PIN FOUND
 -S*P IRON PIN SET
 -O*H*H HAWK HELL
 -P*P*P*P*P PLYMER PILE
 -S*O*L DROP INLET

SUBDIVISION OF 0.107 ACRES FROM THE PROPERTY OF THE TOWN OF BEDFORD, VA.
 SCALE: 1"=30' DATE: AUGUST 1, 2016
 TAX ID. NO. 194-A-86 T A-85.DWG



CONDEMNOR'S STATEMENT:
 THIS PLAT WAS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS.

STATE OF VIRGINIA AT LARGE TO WIT:
 CITY/COUNTY OF _____ THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BY _____
 THIS DAY OF _____, 2017.
 _____ NOTARY PUBLIC

PROPERTY OF
 JEREMY ROWLETT
 INSTRUMENT NO. 160005098
 INSTRUMENT NO. 110008552
 P.B. 56, P. 134
 TAX ID. NO. 194-A-87 T

PROPERTY OF
 TOWN OF BEDFORD, VA
 D.B. 318, P. 132
 TAX ID. NO. 194-A-86 T

PROPERTY OF
 TOWN OF BEDFORD, VA
 D.B. 316, P. 138
 TAX ID. NO. 194-A-86 T

PROPERTY OF
 COPARTNER
 INSTRUMENT NO. 120000857
 TAX ID. NO. 194-A-85 T
 11870 S.F. 0.272 AC. TAX ID. NO. 194-A-85 T
 1859 S.F. 0.107 AC. LOT 1
 0.380 AC. LOT 1

PROPERTY OF
 GALE JONES HARRIS
 INSTRUMENT NO. 120000823
 TAX ID. NO. 194-A-86 T

PROPERTY OF
 COUNTY OF BEDFORD, VA
 D.B. 131, P. 836
 TAX ID. NO. 214-A-187 T

LAST REVISION 8/15/17

**TOWN OF BEDFORD, VIRGINIA
TOWN COUNCIL
ACTION FORM**

ITEM: Ordinance – Renewal of Cable TV Franchise

DATE OF COUNCIL MEETING: September 12, 2017

DATE: September 8, 2017

PRESENTATION:

The Town Council after giving required notice in the Bedford Bulletin held a public hearing at its meeting on August 22, 2017, upon a proposal by Shentel Cable Company for renewal of the cable television franchise which had been granted to Interlink Communications Partners, LLC on April 14, 2006, and which had been transferred to Shentel by the City in 2013. Christopher Kyle, Vice President of Shentel, appeared at the public hearing, and the Council directed that an ordinance granting a renewal of the cable franchise for a term of 10 years commencing on January 1, 2017, and ending on December 31, 2027, be prepared for adoption by the Council and providing for transfer of the franchise to Shentel’s wholly owned subsidiary, Shenandoah Cable Television, LLC as requested by Shentel.

An ordinance setting forth the granting of the renewal has been posted as required by the Town Code. The ordinance will become effective upon execution by the parties of the Cable Television Renewal Agreement, the terms of which were approved by Council at its August 22, 2017, meeting.

ACTION REQUESTED:

Town Council, upon motion duly made, adopt the proposed ordinance renewing the existing cable franchise agreement granted in 2006 for a term of 10 years commencing on January 1, 2017, and ending on December 31, 2027 and the transfer of the renamed ordinance to Shentel’s subsidiary Shenandoah Cable Television, LLC, effective upon execution of the proposed agreement by the parties of the terms of renewal.

		YES	NO	OTHER	<u>ROUTING</u>	
DATE: _____	BLACK	()	()	()	TOWN ATTY. ()	I.T. ()
	HAILEY	()	()	()	COMM. DEV. ()	POLICE ()
APPROVED ()	JOHANNESSEN	()	()	()	ELECTRIC ()	PUBLIC SERV. ()
DENIED ()	RUSH	()	()	()	ENGINEERING ()	OTHER _____ ()
DEFERRED TO: _____	SCHLEY	()	()	()	FINANCE ()	
	VEST	()	()	()	FIRE DEPT. ()	
	WANDREI	()	()	()	H.R. ()	

Ordinance No. _____

AN ORDINANCE APPROVING THE RENEWAL OF THE EXISTING CABLE TELEVISION FRANCHISE AND FRANCHISE AGREEMENT WITH SHENTEL CABLE COMPANY FOR A TERM OF TEN YEARS COMMENCING ON JANUARY 1, 2017 AND ENDING ON DECEMBER 31, 2027 AND FOR THE TRANSFER OF SUCH FRANCHISE TO SHENANDOAH CABLE TELEVISION, LLC

WHEREAS, The City Council of the City of Bedford, Virginia on April 14, 2006, adopted an ordinance approving a Cable Television Franchise Agreement between the City and Interlink Communications Partners, LLC (locally known as “Charter Communications”) effective from May 1, 2006, to an expiration date of April 30, 2016; and

WHEREAS, On June 13, 2006, the City Council passed a resolution approving transfer of the cable franchise from Charter Communications to Cebridge Communications;

WHEREAS, On July 24, 2007, the City Council passed a resolution approving and consenting to assignment of the cable television franchise to Jet Broadband VA, LLC;

WHEREAS, On June 8, 2010, the City Council approved transfer of the cable television franchise agreement to Shentel Cable Company;

WHEREAS, Effective July 1, 2013, the City of Bedford became the Town of Bedford, Virginia, and pursuant to the Charter granted to the new Town of Bedford became the successor franchisor under the 2006 Cable Television Franchise Agreement;

WHEREAS, the 2006 cable television franchise agreement expired on April 30, 2016;

WHEREAS, Shentel Cable Company and the Town of Bedford subsequently agreed that Shentel would continue to provide service after April 30, 2016, on a month-to-month holdover basis subject to termination by either party by reasonable notice of six months;

WHEREAS, Pursuant to the provisions of Section 15.2-2108.30 of the Code of Virginia, 1950, as amended, providing for renewal pursuant to the provisions of the Federal Cable Act, 47 U.S.C. § 546, including particularly § 546(h) entitled “Alternative Renewal Procedures,” Shentel (as current cable operator) has submitted a proposal for renewal of its franchise and transfer of the renewed franchise to its wholly owned operating subsidiary, Shenandoah Cable Television, LLC, and the Town Council (acting on behalf of the Town of Bedford, Virginia) after affording the public adequate notice and opportunity for comment, has agreed to grant such proposal for renewal.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD, VIRGINIA:

Section 1. The Town Council approves the renewal of the existing Shentel Cable Company franchise for cable television for a period of ten years commencing on January 1, 2017, and ending on December 31, 2027, pursuant to the terms of the Cable Television Franchise Renewal Agreement dated September 12, 2017, unless the franchise is renewed or lawfully terminated.

Section 2. The Town Council hereby approves the assignment of the renewed franchise agreement and franchise by Shentel Cable Company to Shenandoah Cable Television, LLC.

Section 3. This Ordinance shall be effective upon execution of the Cable Television Franchise Renewal Agreement and approval of the terms of the cable franchise by Shenandoah Cable Television, LLC.