

MINUTES

TOWN COUNCIL

TOWN OF SHENANDOAH

SPECIAL MEETING

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DECEMBER 18, 2009

CALL TO ORDER: The Shenandoah Town Council held its regular meeting on Friday, December 18, 2009, at 8:30 a.m., with Mayor Clinton O. Lucas, Jr., presiding.

The meeting began with the Pledge of Allegiance.

ATTENDANCE: □ **Council Members present were:** Mayor Clinton O. Lucas, Jr.; Russell Comer, Jr.; Charles Jenkins; Richard Pierce; and Constance Switzer.

Council Members absent were:□ Vice Mayor William L. Kite and Councilman Keith Sampson.

Other Town Officials present were: Juanita F. Roudabush, Assistant Town Manager/MMC.

Citizens present were: Bruce Arnold, Shenandoah Wireless Broadband Authority Member.

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Media Representatives: None.

SPECIAL MEETING

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Mayor Lucas stated the purpose of this special Town Council meeting is to review, discuss, and possibly approve and adopt a Franchise Ordinance, Lease Agreement, and Settlement Agreement with Rural Broadband Network Services, LLC. He noted all Council Members received a copy of the agreements and ordinance for review. He explained the Franchise Ordinance would be dated December 18, 2009, but the Lease Agreement and Settlement Agreement would be dated retroactive to December 1, 2009.

FRANCHISE ORDINANCE

There being no comments, a **Motion** was made by Councilman Jenkins, **seconded** by Councilman Comer, to adopt the Ordinance to grant a Nonexclusive Franchise between the Town of Shenandoah and Rural Broadband Network Services, LLC., as follows:

Members Roll Call Vote was as follows:

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YEA: Councilman Comer

NAY: None.

Councilman Jenkins

Councilman Pierce

Councilwoman Switzer

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ABSTAIN: Mayor Lucas.

ABSENT: Vice Mayor Kite and Councilman Sampson

VOTE:□□□□□□ **Unanimous in favor of motion.**

LEASE AGREEMENT

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Regarding the Lease Agreement, Mayor Lucas questioned payment for electricity, which is 6.0 of the agreement?

Councilman Jenkins stated the electrical usage is very minimal now. He noted this section would require Rural Broadband Network Services to pay the electric fees if the costs increase in the future.

Mayor Lucas noted the draft version of the lease agreement reversed the landlord and tenants names on page 10, but the final version has this corrected with the names and addresses typed in the proper places.

Councilman Pierce stated his question pertaining to insurance on the equipment has been resolved with this agreement.

Councilman Pierce then inquired when the Town could expect to begin receiving revenue from the franchise ordinance and lease agreement?

Mayor Lucas noted the agreement's effective date is December 1, 2009. Therefore, the Town should begin receiving revenue from the agreement and franchise in January 2010.

Councilman Jenkins noted Council approved a motion at their November 24, 2009, meeting to sign draft number 4 of the lease agreement, but this will need to be rescinded prior to approval of the new version of the lease agreement.

A **Motion** was made by Councilman Jenkins, **seconded** by Councilman Comer, to **rescind** the motion made on November 24, 2009, to adopt the lease agreement identified as draft number 4, dated November 23, 2009, and authorizing Mayor Lucas to sign the document.

Members Roll Call Vote was as follows:

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YEA: Councilman Comer

NAY: None.

Councilman Jenkins

Councilman Pierce

Councilwoman Switzer

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ABSTAIN: Mayor Lucas.

ABSENT: Vice Mayor Kite and Councilman Sampson.

VOTE:□□□□□□□ **Unanimous in favor of motion.**

There being no further discussions, a ***Motion*** was made by Councilman Comer, ***seconded*** by Councilman Pierce, to adopt the lease agreement between the Town and Rural Broadband Network Services, dated December 1,2009, and authorize Mayor Lucas to sign the document as follows:

Members Roll Call Vote was as follows:

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YEA: Councilman Comer

NAY: None.

Councilman Jenkins

Councilman Pierce

Councilwoman Switzer

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ABSTAIN: Mayor Lucas.

ABSENT: Vice Mayor Kite and Councilman Sampson.

VOTE:□□□□□□□ **Unanimous in favor of motion.**

□ SETTLEMENT AGREEMENT

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Following questions, Bruce Arnold stated if the Town is happy with the settlement agreement then he did not see any reason that the Shenandoah Wireless Broadband Authority would have any issues with it. He noted the Shenandoah Wireless Broadband Authority would have its own separate agreement with Rural Broadband Network Services.

There being no further questions, a ***Motion*** was made by Councilman Jenkins, ***seconded*** by Councilwoman Switzer, to approve the Settlement Agreement between the Town of Shenandoah and Rural Broadband Network Services, LLC., effective December 1, 2009, and authorize Mayor Lucas to sign the document as follows (attachments Schedule B & C are the previously approved Franchise Ordinance and Lease Agreement):