

A CALLED MEETING OF THE BRISTOL VIRGINIA CITY COUNCIL WAS HELD ON MAY 15, 2018, AT 6:00 P.M. AT 300 LEE STREET, BRISTOL, VIRGINIA WITH MAYOR KEVIN MUMPOWER PRESIDING. VICE MAYOR KEVIN WINGARD, AND COUNCIL MEMBERS J. DOUGLAS FLEENOR, WILLIAM HARTLEY, AND ARCHIE HUBBARD, III WERE PRESENT. CITY MANAGER, RANDALL C. EADS AND CHIEF FINANCIAL OFFICER, TAMRYA SPRADLIN, WERE ALSO PRESENT.

Mayor Mumpower called the meeting to order.

A. Mayor's Minute and Council Comments.

Mayor Mumpower stated the transaction from BVU to sell the OptiNet division to Sunset Digital Communications is proceeding. The new financing management behind Sunset Digital, LLC has progressed to the point of closing. The BVU attorney has reviewed all contracts and made recommendations to the City Attorney to change language in the contract to close the transaction.

B. City Manager's Comments

City Manager, Mr. Randall Eads, stated there is a franchise agreement allowing BVU OptiNet to service citizens of the City of Bristol with cable service. Mr. Eads stated the franchise agreement will need to be transferred to Sunset Digital Communications to allow them to operate, however, the agreement will not be effective until closing of the acquisition occurs even though there will be a second reading of the ordinance on May 22, 2018. The language of the ordinance prevents the transfer of the agreement until the transaction closes between Sunset Digital and BVU OptiNet.

Council Member, Mr. Fleenor, commended the BVU board and their leadership.

Regular Agenda

1. Consider Public Hearing Regarding First Reading of an Ordinance to Transfer the Franchise Agreement from BVU to Sunset Fiber, LLC

Mayor Mumpower opened the public hearing.

City Manager, Mr. Randall Eads, reported that due to the sale of BVU's OptiNet to Sunset Digital Communications, both BVU OptiNet and Sunset Digital Communications requested to transfer the franchise agreement granted in Section 7.6 of the Franchise Agreement (dated July 11, 2002) and Section 11 of the Code of the City of Bristol to the new owner of the cable franchise.

No public comments were made.

Mayor Mumpower closed the public hearing.

2. Consider First Reading of an Ordinance to Transfer the Franchise Agreement from BVU to Sunset Fiber, LLC

Council Member, Mr. Hartley, asked if the agreement had expired.

City Manager, Mr. Randall Eads, stated the agreement automatically renewed. He also stated that Sunset Digital, LLC will need to seek council approval should they decide to alter their rates.

Council Member, Mr. Fleenor, made a motion to approve the transfer of the franchise agreement from BVU OptiNet to Sunset Fiber, LLC. Motion was seconded by Council Member, Mr. Hubbard, and carried by the following votes:

AYES: Fleenor, Hartley, Hubbard, Wingard and Mumpower

City Manager, Mr. Randall Eads, read the Ordinance to Transfer the Franchise Agreement from BVU to Sunset Fiber, LLC:

ORDINANCE TO TRANSFER A FRANCHISE AGREEMENT FROM BRISTOL, VIRGINIA UTILITIES BOARD (NOW BVU AUTHORITY) TO SUNSET DIGITAL COMMUNICATIONS dba SUNSET FIBER, LLC UPON THE CLOSING OF THE TRANSACTION

Whereas, the City of Bristol granted a Franchise Agreement to Bristol Virginia

Utilities Board (now BVU Authority) on July 2002 and the Bristol Virginia Utilities Board entered into an Asset Purchase Agreement with Sunset Digital Communications doing business as Sunset Fiber, LLC on February 5, 2016 as amended.

Therefore, be it ordained that the Franchise Agreement granted in the City of Bristol, Virginia Code Section 7.6 and Section 11 be transferred to Sunset Digital Communications dba Sunset Fiber, LLC upon the closing of the transaction. Further,

Therefore, be it ordained that Section 2 (b) stating that the term of the Franchise Agreement granted in the City of Bristol, Virginia shall be renewed for a term of ten (10) years from June 26, 2018 to June 26, 2028.

3. Adjournment

There being no further business, the meeting was adjourned.

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City Clerk



Mayor