

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, AUGUST 28, 2006, AT 7:00 P.M.**

Members present: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert

Members absent: None

Others present: Town Manager C. Wayne Sutherland, Jr., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon P. Hackler, Patrol Officer Chris Irvin, Justin Harmon with Wytheville Enterprise, Mark Boenke, Bill Smith, Agnes Eades

RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE

Mayor Crewe called the meeting to order and established that a quorum of Council members was present. The invocation was given by Vice-Mayor King followed by the Pledge of Allegiance led by Councilman Jones.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of July 24, 2006; the request of the Mount Rogers Community Services Board (Wytheville Clubhouse) for waiver of fee for use of the Elizabeth Brown Memorial Park on August 18, 2006, for a social; the request of the Virginia Cooperative Extension Service for waiver of fee for use of the Community Center on December 5, 2006, for a Wythe/Bland Dairy Herd Improvement Association meeting; the request of the Virginia Cooperative Extension Service for waiver of fee for use of the Community Center on September 30, 2006, for a meeting; and, the request of the Wytheville Volunteer Fire Department to conduct a Fire Prevention Parade on Saturday, October 14, 2006, at 7:00 p.m. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to approve the consent agenda consisting of the minutes of the regular meeting of July 24, 2006; the request of the Mount Rogers Community Services Board (Wytheville Clubhouse) for waiver of fee for use of the Elizabeth Brown Memorial Park on August 18, 2006, for a social; the request of the Virginia Cooperative Extension Service for waiver of fee for use of the Community Center on December 5, 2006, for a Wythe/Bland Dairy Herd Improvement Association meeting; the request of the Virginia Cooperative Extension Service for waiver of fee for use of the Community Center on September 30, 2006, for a meeting; and, the request of the Wytheville Volunteer Fire Department to conduct a Fire Prevention Parade on Saturday, October 14, 2006, at 7:00 p.m. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr. William B. Weisiger, H. Judson Lambert. Against: None.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next item on the agenda is Citizens' Period. He recognized Mr. Bill Smith and advised that Mr. Smith wanted to address the Council regarding the TDX TransDominion Express and cable television.

Mr. Smith thanked the Council for allowing him to speak briefly on behalf of TransDominion Express, Incorporated. He remarked that as of January of this year, the TDX, Incorporated is a not for profit company and since has received a 501(c)(3) tax deductible designation. Mr. Smith remarked that with this new status, the TDX is now eligible to apply for and receive funds to further the efforts to bring passenger rail back to southwest Virginia. He stated that TDX has historically received around \$20,000 per year from voluntary contributions from local governments, educational institutions, clubs, civic organizations, businesses, industries, and individuals. Mr. Smith remarked that with this year's contribution campaign, they looked toward raising this number to \$30,000 in order to increase the efforts at the State level for the passenger rail initiative. He explained that this money will also be offered as a match for grant applications, some of which require a dollar for dollar match. Mr. Smith noted that funds have been used previously almost entirely for lobbying efforts, and those efforts have been provided on a part time basis by Ms. Barbara Hartley, who is the legislative liaison for the Greater Lynchburg Chamber of Commerce. He noted that the Council may remember that the Lynchburg Chamber of Commerce really started this initiative, and from their office, they began this effort, and it is rather widespread at this point. Mr. Smith advised that because of this relationship, the TDX has gotten a lot of things for its money for quite awhile, some six or seven years now. He noted that the TDX Board believes now it is time for the organization to step up its efforts to become self supporting. Mr. Smith remarked that local governments along the

proposed TDX corridor can help in this effort in two ways. He noted that one way is to contribute to the funding campaign this year to the greatest extent to which they feel comfortable. Mr. Smith indicated that they could write a letter of support to the TDX that can be used in grant applications. He stated the Council will receive a request for a modest amount of financial support, and noted he has asked Ms. Barbara Hartley to contact the Town with the details. Mr. Smith remarked that he would be glad to answer any questions. Mayor Crewe thanked Mr. Smith for his comments and for his involvement with this and bringing the information to the Council. He inquired if any Council member has any questions. Councilman Weisiger inquired if there is a timeframe for doing this or is it just nebulous at this point. Mr. Smith answered that it is, and advised that they have had some timeframes in the past, and as things go with everything else, including budgets and transportation budgets, etc., a new governor, and noted that Governor Kaine is a proponent of TDX and is supportive of passenger rail, but with elections every four years and a change in the governor after one term, the TDX experiences the same thing as everyone else, which is three steps forward and two steps back. He noted there is a lot of change in the personnel such as Secretary of Transportation Whitt Clement who resigned just before the election, and Karen Ray, who is the Director of Rail and Public Transportation, and after the election, she then had a new boss, Mr. Pierce, who was acting director until he was appointed, and then in the meantime, things got stalled, and she was offered a job in Pennsylvania. He noted that Ms. Ray was a strong, unbiased proponent of TDX and passenger rail, and she took them a long way. Mr. Smith remarked that they were very close to buying rail cars from the Virginia Rail Express, and the money is there, and the check needs to be signed. Mayor Crewe interjected that Norfolk Southern has become a lot more agreeable than they were years ago about running locomotives that would tow the passenger rail for the pilot projects to see what would happen. Mr. Smith stated that is correct, and remarked that this has been a real key to bringing this to where TDX is at this time. He explained that Norfolk Southern not only decided it would be a good thing for them to have passenger rail and put money into improving their rail, they went so far as to state that now they are interested in quoting to TDX for the operation, which would be in competition, but Amtrak would probably propose to manage and run it, and now Norfolk Southern is stating they are interested as well. Mayor Crewe indicated that there were a few personnel changes at Norfolk Southern. Mr. Smith stated that is correct. He noted that to answer the question, there is no specific timeframe, but not a lifetime, if they are lucky. Mayor Crewe indicated that he thinks everyone will see the pilot project before that based on what was coming from the Rail Board and some of those proposals. He explained that one project Norfolk Southern is doing is spending millions and millions of dollars to make the structural improvements to allow double stacking of the containers from Norfolk into Chicago, basically. He noted that the Heartland Core is the name of the project, but they have to move some bridges, raise some tunnels, and move some electrical items that go across the railroad tracks so they can get that high. Mayor Crewe advised that once all of this is done, Norfolk Southern is stating that as a part of this, they would double the track dates. He noted if they put in two tracks all the way through, then obviously, they would have twice as much capacity, and they could run faster trains without this big of an interference. He explained that currently, even the Amtrak trains have to stop for cargo for freight rail. Mayor Crewe stated the last time he went to New York, he took the Amtrak train from New York, and the ticket stated 7:00, and he inquired as to what time the 7:00 train left, and he was told it would leave at 9:30. He noted he asked what time the 9:30 train left, and he was told it left about 11:00. Mayor Crewe stated that everything was two hours late all the way through, and noted they never changed the schedule, and they never changed the numbers of the trains or anything, and they always ran two hours late, and it was because they had to stop somewhere on a sidetrack and wait for a freight train to pass so they could move again. Mayor Crewe remarked that to him, it is mind boggling the way it works, but Norfolk Southern has, for years, been stating they did not want any part of passenger rail because they can make money on freight. He noted that now, they have come around to stating they might be able to make money on freight and passenger rail, so they will start talking about it, and advised that this is the biggest change he sees. Mr. Smith stated this is a big step forward, and it was not going to happen without Norfolk and Southern becoming involved. Mayor Crewe noted that is correct, particularly coming through this area. He stated it could have gone up through central Virginia on CSX, but not on this end. Mayor Crewe indicated that he thinks it hit a momentary snag, but from his reading, it has gotten new life in the last little bit. Mr. Smith indicated that this is also their understanding. Vice-Mayor King inquired if what Mr. Smith needs from the Council at this time is a letter of support. Mr. Smith stated that is correct, and they would like to have a letter. Mayor Crewe indicated that they also want some money. Mr. Smith stated they would like to have some money, when it is requested. Vice-Mayor King noted that the Town does not have any money. Mr. Smith advised that they are not asking for much. He stated he thinks the Council will see in their newsletter, that for a town the size of Wytheville, which is scheduled to have an unmanned stop, initially, and advised that there will be a stop in Wytheville, even though it would be unmanned, it would be \$1,000. Mr. Smith noted that with this participation, they would have more than \$30,000. Mayor Crewe indicated that the other piece to this that is being considered, and one of the reasons Norfolk Southern is willing to talk about it, is that

currently, the average speed of a train from Bristol to Richmond, he thinks, is 35 MPH, and this means it takes longer for a person to ride a train to Richmond than it would to drive a car, and no one is going to do this. Mayor Crewe indicated that in order to speed up the trains, and still slow down for the towns, etc., that the trains travel through, they are going to have to do something. He explained that there is high speed rail, and below this is intermediate speed. Mr. Smith remarked that there is a higher speed. Mayor Crewe noted it is something like 75 or 80 MPH train. Mr. Smith indicated that it is 70 MPH, and 69 MPH is the maximum speed. He remarked that what this will do is allow freight trains to move more quickly. Mayor Crewe advised that if Norfolk Southern improves the tracks for rail, they might as well do it for passenger trains so there is something in it for everyone, and this is where the change is coming. Mr. Smith stated that is correct. Mayor Crewe requested Mr. Smith to keep the Council posted, and noted they appreciate his involvement. He thanked Mr. Smith for attending the meeting.

Mr. Smith remarked that he has one thing to state about cable television. He noted he understands there is one item on the agenda about an audit or something. Mr. Smith advised that Town Manager Sutherland knows the dilemma they have had in Pleasant View. Town Manager Sutherland inquired if this is still ongoing. Mr. Smith noted that he does not think they have service, and noted he does not know that they have service. He inquired if Town Manager Sutherland knows anything differently. Town Manager Sutherland stated he did not know anything differently. Mr. Smith remarked that he is sure he would have received a call if there was cable television service. He explained that two years ago, they developed the Pleasant View subdivision, and part of that was the previous cable company did run their cable through Pleasant View. Mr. Smith indicated that he resubdivided the last eight lots and put up townhouses on them. He noted in August or September, they moved in their first purchaser, Ms. Elaine Kegley. Mr. Smith stated that Ms. Kegley has, from that day, requested cable television and has yet to receive it. He noted the pedestal is no more than 150 feet from the back of her house. Mayor Crewe inquired if the cable provider has given them any reason for not connecting to Ms. Kegley's house. Mr. Smith answered that no reasons have been given, and there have been no communications and no responses. Town Manager Sutherland indicated that he has called the district manager several times. Mayor Crewe inquired as to what type of answer was received, and if they indicated they would fix it soon. Mr. Smith remarked that several times, the cable company told them they would have someone there in two days. Mayor Crewe noted that no one has ever shown up. Vice-Mayor King inquired if this would be something that Mr. Rick Boucher could help with. Mr. Smith stated he just wanted to mention this to the Council and advised that it is a sorry situation. Mayor Crewe indicated that it seems unreasonable that it would take a year to get hooked up. Mr. Smith stated that is correct, especially when it is within sight, and everyone else in the single family homes has hookups. He noted the cable company did change owners, but advised that the hookups stop at the first townhouse, and they have not brought cable television even to the first townhouse. Mr. Smith remarked that his recommendation would be to call Dish Network. Councilman Lambert advised that he thinks the quality of the service has deteriorated because they get a lot of fuzzy images anymore. Councilman Jones remarked that this was happening before the new company took over. Mayor Crewe advised that is correct, but noted it has gotten worse. Vice-Mayor King remarked that they only receive fuzzy images on Channel 13 now. Councilman Lambert advised that it is not a quality picture. Mr. Smith remarked that it is a shame. Mayor Crewe advised that Mr. Smith's comment is duly noted. Mayor Crewe thanked Mr. Smith for his comments. Mayor Crewe inquired if there are others who wish to address the Council during Citizens' Period. There being none, he proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The Public Works Committee and the Budget and Finance Committee will be meeting at their regularly scheduled times this week.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, reported that earlier this year, at a meeting of the Joint Governing Bodies, Telecommunications Consulting Associates made a presentation outlining services they had available to determine the accuracy of franchise fee payments made to the Town by the local cable television company. He remarked that Telecommunications Consulting Associates, also known as TCA, noted that in addition to auditing the franchise fees that had been remitted, they would also review existing franchise agreements to determine if they were in compliance with current federal law. Councilman Jones explained that TCA noted they would perform all of these services on the basis of a 50/50 split of any franchise fees that were determined to be delinquent. He stated a franchise agreement is

merely a contract between the Town and a utility provider where the utility provider agrees to pay the Town a certain amount of fees for the use of the Town's rights of way. Councilman Jones advised that the Town entered into an initial franchise agreement with the Telecable Corporation in 1969, and through the years, this company has been bought on several occasions and is currently owned by Rapid Communications. He noted that the Town has recently received notice from the consultants who found that for the period of August 1, 2005, through March 31, 2006, that Rapid Communications had underpaid franchise fees in the amount of approximately \$2,875.33. Councilman Jones remarked that the underpayment in this case was exclusion by Rapid Communications of the revenue received in the form of advertising and home shopping revenue. He stated the net result of this audit is that \$2,875.33 of revenues will be remitted to the Town, of which one half will be remitted to TCA for their services in performing this audit. Councilman Jones advised that the Committee would note that Wythe County also contracted with TCA to perform an audit of the system in the County, but the Town does not as of yet know the results of that audit. Mayor Crewe advised that the Council will receive this as information, and noted the Town made a little money on the audit.

Councilman Jones also reported that a couple of years ago, the Town erected two poles on either side of Main Street near Second Street for the purpose of erecting banners across Main Street that promote community events. He stated the installation of banners across Main Street has become so popular that the Committee feels that the Town must now review the development of some guidelines concerning the placement of banners on Main Street. Councilman Jones indicated that the Committee will be reviewing potential guidelines with a proposed implementation date of January 1, 2007. He explained that there are a number of groups that have already reserved time for the installation of their banners, and the Committee believes that the beginning of the year is a good point in time to start with these new regulations. Councilman Jones advised that the Committee thinks that regulations will include some provisions for the length of time a banner can remain across the street as well as the length of time in advance for which the reservation of space can be made. He stated the Committee believes that the banners serve a very useful purpose in conveying information about public events, but it now becomes apparent that the Town will have to implement some guidelines such that the use of banner space is equitable to everyone. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Weisiger, reporting for the Public Works Committee, stated that at a recent meeting of the Town Council, a citizen expressed concerns about the sign configuration at the three-way stop situation at Mountain View Drive and Fisher Road. He noted it was the consensus of the Council at that meeting that the Public Works Committee would review this inquiry and make a determination. Councilman Weisiger noted that the Committee has, in fact, looked at this intersection and believes it is appropriately marked. He advised that the three approaches with stop signs all have regulation size signs with a smaller placard beneath denoting that it is a three-way stop situation. Councilman Weisiger explained that at each approach to this three-way stop situation, there is a painted stop bar with the word "stop" painted on the pavement. He stated the Committee believes this intersection is appropriately marked and is operating properly. Councilman Weisiger advised that it would be the recommendation of the Committee that the Council take no action to amend the current traffic control devices at this intersection. Mayor Crewe indicated that unless someone has a different idea, there is no action suggested, so there is nothing further required.

Councilman Weisiger also reported that recently, the Town received an inquiry with regard to vehicles proceeding north on North 30th Street as it approaches West Lee Highway. He remarked that as a result of this inquiry, additional signs and lane markings have been placed at this approach to West Lee Highway. Councilman Weisiger advised, however, that the Committee has determined that there continues to be certain problems in the crossover of West Lee Highway where some vehicles do not stop in this crossover of West Lee Highway or which are in the wrong lane as they enter the crossover. He stated the Committee thinks it would be beneficial to put stop bars on either side of this crossover with a double yellow center line in the middle of the crossover keeping vehicles separated within the crossover. Councilman Weisiger noted that if the Council concurs, the Committee will direct the Public Works Department to apply these lane markings. Mayor Crewe inquired if anyone on Council has any problems with making these changes to this crossover. There being none, Mayor Crewe advised that it would be three lines. It was the consensus of the Council to ask the Public Works Department to paint stop bars on each side of the crossover and a double yellow line down the middle of the crossover. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

Councilman Jones advised that when a person comes out of the street beside R. P. Johnson to cross Main Street or turn left, and noted a person can also make a right turn there, the Committee could review those trees that are planted along there, and the trees make it difficult to see the traffic coming north on Main Street. Mayor Crewe indicated that the Council will ask the Public Works Committee to review these trees. Vice-Mayor King inquired if it is time for all the trees on Main Street to be trimmed. Mayor Crewe stated that the trees will probably not be trimmed until springtime. Vice-Mayor King indicated that she noticed the tree at the Wytheville Office Supply is growing up into the pencil on the building. Mayor Crewe noted that he noticed one the other day that someone pointed out to him. Councilman Lambert remarked that some of the lower limbs could be trimmed that hang down. Town Manager Sutherland remarked that the trees on Main Street have received a good pruning job. Mayor Crewe noted that the trees on Main Street have been topped. Town Manager Sutherland advised that for the trees at R. P. Johnson's, the Town may have to cut the bottom limbs out, and the Committee will have to look at them. Councilman Jones noted that possibly the trees could be trimmed back a little, and advised that he does not know, but a person has to pull out rather far into Main Street to be able to see.

Mayor Crewe advised that he was told the other day, but noted he has not been down the ramp to look, but going out Fourth Street he did look, and when a person comes off Exit 70 at McDonald's going southbound on I-81 at the gas station, if a person looks back toward town, there is a tree that has bushed out, and he has been told a person has to have the nose of their vehicle out in the traffic on Fourth Street to see around the big, bushy tree. Councilman Jones advised that he has not seen this one, and noted he gets off this exit a lot and he does not have any problems. Mayor Crewe requested Councilman Jones to look at the tree because he had been advised that a person has to have the nose of their vehicle out in traffic before they could see around the bush. He noted a bush is there, but remarked that it looks to him like it is rather far back from the road, but it is kind of bushy. Town Manager Sutherland inquired as to the location of the tree. Mayor Crewe stated it is at the exit on Fourth Street. Councilman Jones remarked that it is at the exit where the Kangaroo service station is located. Mayor Crewe advised that it is the exit short of St. John's old church looking back toward town. He noted if a person looks back toward town, as he/she exits the southbound ramp off Interstate 81, they can see the tree.

Vice-Mayor King inquired if someone checked on the Marlboro sign at Dillon's IGA. Town Manager Sutherland remarked that they checked on this and talked about it, and they need to get with Mr. Dillon to see if he will do something. Town Manager Sutherland advised that he uses this route everyday, too, and noted he did not see a problem. Vice-Mayor King inquired if Town Manager Sutherland did not see a problem. Mayor Crewe noted that the sign is there, and it depends on how far a person has to go out to see. Town Manager Sutherland advised that he knows Mr. Dillon is probably going to resist moving the sign, but it may help if Mr. Dillon would just tilt the sign 10 degrees, and it would probably help. He noted he would talk to Mr. Dillon about this sign. Mayor Crewe noted there are several spots in town that merit further attention.

RE: APPOINTMENT – BUILDING CODE APPEALS BOARD

Mayor Crewe stated the next agenda item is the appointment to the Building Code Appeals Board to fill the expired term of Mr. Phil Tobelmann whose term expired July 26, 2006. He noted the Council has the information in their package. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to appoint Mr. Dennis Suthers to the Building Code Appeals Board. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: APPOINTMENT – BOARD OF ZONING APPEALS

Mayor Crewe stated the next agenda item is to make a recommendation to the Circuit Court to appoint a member to the Board of Zoning Appeals to fill the expiring term of Mr. Steve Irvin whose term expires September 10, 2006. He noted that Mr. Irvin is not eligible for reappointment. A motion was made by Councilman Weisiger and seconded by Councilman Jones to make a recommendation to the Circuit Court to appoint Ms. Sharon Sowers to the Board of Zoning Appeals. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: APPOINTMENT – WYTHEVILLE REDEVELOPMENT AND HOUSING AUTHORITY

Mayor Crewe stated the next agenda item is the appointment to the Wytheville Redevelopment and Housing Authority to fill the expiring term of Ms. Rebecca Huddle whose term expires September 8, 2006. He noted that Ms. Huddle is not eligible for reappointment. A motion was made by Councilman Jones and seconded by Councilman Weisiger to appoint Mr. Jack Quesenberry to the Wytheville Redevelopment and Housing Authority. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: LIBERTY STREET COMMONS PLANNED UNIT DEVELOPMENT

Mayor Crewe stated the next agenda item is the consideration of the recommendation of the Planning Commission regarding the request of David E. Schmidt, Christopher L. Coles, and Natalie K. Klaawonn for final approval of a planned unit development, known as Liberty Street Commons, to be located on the south side of East Liberty Street between 11th Street and Thompson Lane. He remarked that the Council has in their packet the information concerning the Planning Commission's recommendation. Mayor Crewe noted that the Planning Commission recommended that the planned unit development be approved with five stipulations. A motion was made by Councilman Jones and seconded by Councilman Lambert to accept the recommendation of the Planning Commission regarding the request of David E. Schmidt, Christopher L. Coles, and Natalie K. Klaawonn for final approval of a planned unit development, known as Liberty Street Commons, to be located on the south side of East Liberty Street between 11th Street and Thompson Lane, which included meeting final technical compliance and the following five stipulations: (1) Submittal of the economic feasibility report or market analysis to the Planning Commission (Market analysis has been received.); (2) The water supply issue be resolved by Town Council; (3) Obtaining the required drainage and utility easements; (4) Finalization of the Association document and the execution of a Memorandum of Understanding with the Town Council regarding municipal services; (5) An understanding that changes in the living unit designs would require a review by the Planning Commission. Mayor Crewe inquired if there is any discussion on the motion. He inquired if accepting the recommendation would mean that the planned unit development is approved with the five stipulations that are listed. Councilman Jones stated that is correct. The motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

Mayor Crewe noted that he did not intend to cut off Mr. Mark Boenke from speaking if he desired to, but the note was that Mr. Boenke would speak if needed, and indicated that he did not think it was needed. He thanked Mr. Boenke for his help with this planned unit development, and noted that it is approved.

RE: CLOSED MEETING

Mayor Crewe stated he would entertain a motion to go into a closed meeting pursuant to Section 2.2-3711(A)(7) of the Code of Virginia for the purpose of discussing pending litigation with the Town Attorney. A motion was made by Councilman Jones and seconded by Vice-Mayor King to hold a closed meeting pursuant to Section 2.2-3711(A)(7) of the Code of Virginia for the purpose of discussing pending litigation with the Town Attorney. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None. (7:25 p.m.)

Mayor Crewe advised that he thinks this will be a short session, but noted he is guessing, and advised that the Council probably will not be taking any action when they come out of the closed meeting.

RE: RECONVENE TO OPEN SESSION

A motion was made by Councilman Jones and seconded by Vice-Mayor King to reconvene to open session. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: CERTIFICATION OF CLOSED MEETING

A motion was made by Councilman Jones and seconded by Councilman Weisiger that nothing was discussed in the closed meeting except the matter or matters (1) specifically identified in the motion to convene in a closed meeting and (2) lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition:

FOR: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

A copy of the certification is attached and made part of these minutes. (7:40 p.m.)

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:40 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

BUDGET AND FINANCE COMMITTEE REPORT

AUGUST 28, 2006

1. Earlier this year, at a meeting of the Joint Governing Bodies, Telecommunications Consulting Associates made a presentation outlining services they had available to determine the accuracy of franchise fee payments made to the Town by the local cable television company. Telecommunications Consulting Associates, also known as TCA, noted that in addition to auditing the franchise fees that had been remitted, they would also review existing franchise agreements to determine if they were in compliance with current federal law. TCA noted that they would perform all of these services on the basis of a 50/50 split of any franchise fees that were determined to be delinquent.

A franchise agreement is merely a contract between the Town and a utility provider where the utility provider agrees to pay the Town a certain amount of fees for the use of the Town's rights of way. The Town entered into an initial franchise agreement with the Telecable Corporation in 1969, and through the years, this company has been bought on several occasions and is currently owned by Rapid Communications. We have recently received notice from our consultants who found that for the period of August 1, 2005, through March 31, 2006, that Rapid Communications had underpaid franchise fees in the amount of approximately \$2,875.33. The underpayment in this case was exclusion by

Rapid Communications of the revenue received in the form of advertising and home shopping revenue. The net result of this audit is that \$2,875.33 of revenues will be remitted to the Town, of which one half will be remitted to TCA for their services in performing this audit. We would note that Wythe County also contracted with TCA to perform an audit of the system in the County, but we do not as of yet know the results of that audit.

2. A couple of years ago, the Town erected two poles on either side of Main Street near Second Street for the purpose of erecting banners across Main Street that promote community events. The installation of banners across Main Street has become so popular that we feel we must now review the development of some guidelines concerning the placement of banners on Main Street. Our Committee will be reviewing potential guidelines with a proposed implementation date of January 1, 2007. There are a number of groups that have already reserved time for the installation of their banners, and we believe that the beginning of the year is a good point in time to start with these new regulations. We think that the regulations will include some provisions for the length of time a banner can remain across the street as well as the length of time in advance for which the reservation of space can be made.

We believe the banners serve a very useful purpose in conveying information about public events, but it now becomes apparent that we will have to

implement some guidelines such that the use of banner space is equitable to everyone.

Jacqueline K. King

John W. Jones, Jr.

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PUBLIC WORKS COMMITTEE REPORT

AUGUST 28, 2006

1. At a recent meeting of the Town Council, a citizen expressed concerns about the sign configuration at the three-way stop situation at Mountain View Drive and Fisher Road. It was the consensus of the Council that evening that our Committee would review this inquiry and make a determination. We have, in fact, looked at this intersection and believe that it is appropriately marked. The three approaches with stop signs all have regulation size signs with a smaller placard beneath denoting that it is a three-way stop situation. At each approach to this three-way stop situation, there is a painted stop bar with the word "stop" painted on the pavement. We believe that this intersection is appropriately marked and is operating properly. It would be the recommendation of our Committee that we take no action to amend the current traffic control devices at this intersection.
2. Recently, we received an inquiry with regard to vehicles proceeding north on North 30th Street as it approaches West Lee Highway. As a result of this inquiry, additional signs and lane markings have been placed at this approach to West Lee Highway. However, we have determined that there continue to be certain problems in the crossover of West Lee Highway where some vehicles do not stop in this crossover or which are in the wrong lane as they enter the crossover. We think it would be beneficial to put stop bars on either side of this

crossover with a double yellow center line in the middle of the crossover keeping vehicles separated within the crossover. If the Council concurs, we will direct the Public Works Department to apply these lane markings.

William B. Weisiger

H. Judson Lambert

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