

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, MAY 10, 2010, AT 7:00 P.M.**

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

Members absent: John W. Jones, Jr.

Others present: Town Manager C. Wayne Sutherland, Jr., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon P. Hackler, Town Treasurer Michael G. Stephens, Town Attorney Robert P. Kaase, Police Officer Tommy Lester, Wayne Quesenberry with *Wytheville Enterprise*, Jack Hunley, Tommy Hundley

**RE: CALL TO ORDER, QUORUM, PLEDGE**

Mayor Crewe called the meeting to order and established that a quorum of Council members was present. The Pledge of Allegiance was led by Councilman Lambert.

**RE: CONSENT AGENDA**

Mayor Crewe presented the consent agenda and noted there are three items on the consent agenda, one of which the Council found at their seat when they arrived at the meeting. He noted the consent agenda consists of the minutes of the regular meeting of April 26, 2010; the request of the District III Governmental Cooperative for waiver of fees for use of the Elizabeth Brown Memorial Park on June 17, 2010, for Senior Day; and, the request of Wythe County Community Hospital for their 3<sup>rd</sup> Annual 5K Run and 2 Mile Walk on August 28, 2010, to benefit the Lester Child Advocacy Center. A motion was made by Vice-Mayor King and seconded by Councilman Lambert to approve the consent agenda consisting of the minutes of the regular meeting of April 26, 2010; the request of the District III Governmental Cooperative for waiver of fees for use of the Elizabeth Brown Memorial Park on June 17, 2010, for Senior Day; and, the request of Wythe County Community Hospital for their 3<sup>rd</sup> Annual 5K Run and 2 Mile Walk on August 28, 2010, to benefit the Lester Child Advocacy Center. 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, William B. Weisiger, H. Judson Lambert. Against: None.

**RE: CITIZENS' PERIOD & REVITALIZATION AREA PUBLIC COMMENT SESSION**

Mayor Crewe stated the next agenda item is Citizens' Period. He noted since no citizens are attending the meeting, there is no one present to address the Council during Citizens' Period.

Mayor Crewe explained that it was placed on the agenda to receive public comments regarding the designation of revitalization areas in the following locations: (a) The area bounded by Calhoun Street and the Norfolk Southern Railway with a one half block extension to the east along South Fourth Street; (b) The area bounded by West Marshall Street, South 1<sup>st</sup> Street and the Norfolk Southern Railway with a one half block extension to the north along West Marshall Street except where it intersects South 1<sup>st</sup> Street where it extends to the line of East Lexington Street; (c) The block bounded by West Railroad Avenue, South 4½ Street, West Madison Street, and South 4<sup>th</sup> Street. He noted if someone were to come later to the meeting, he will allow them the opportunity to comment publicly, but, otherwise, he will declare the public comment session closed. Mayor Crewe stated this does not require an ordinance, and Town Clerk Hackler has advised that the Town Council needs to take action on this matter. He inquired if he hears any motions to approve the recommendation of the Planning Commission regarding the revitalization areas of the three designated areas as follows: (a) The area bounded by Calhoun Street and the Norfolk Southern Railway with a one half block extension to the east along South Fourth Street; (b) The area bounded by West Marshall Street, South 1<sup>st</sup> Street and the Norfolk Southern Railway with a one half block extension to the north along West Marshall Street except where it intersects South 1<sup>st</sup> Street where it extends to the line of East Lexington Street; (c) The block bounded by West Railroad Avenue, South 4½ Street, West Madison Street, and South 4<sup>th</sup> Street. 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, William B. Weisiger, H. Judson Lambert. Against: None.

**RE: OLD BUSINESS**

Under Old Business, Town Manager Sutherland reported the following:

1. The Public Works Committee will meet this week, but the Budget and Finance Committee will not meet on Thursday morning with the absence of Councilman Jones. Tomorrow morning, at the Public Works Committee meeting, Town staff has scheduled representatives from the Smyth Wythe Airport Commission who will give an overview of the Airport's activities. Next week, both Committees will meet on their regular day and time. Mayor Crewe inquired if the employee presentation will be done. Town Manager Sutherland advised that is correct.

#### **RE: BUDGET AND FINANCE COMMITTEE REPORT**

Vice-Mayor King, reporting for the Budget and Finance Committee, reported that later in the meeting, the Council will consider, on first reading, the budget for fiscal year 2010-2011. She noted that the public hearing with regard to the budget will be held at the Council meeting on May 24 as well as the budget being read on second reading. Vice-Mayor King stated that the budget is scheduled to be heard on third reading for adoption at the June 14 meeting of Council. She advised that the budget as drafted for first reading totals \$16,332,905.00 and is comprised of \$11,305,905.00 from the General Fund and \$5,027,000.00 in the Water and Sewer fund. Vice-Mayor King remarked that the budget is balanced and reflects all operational expenses for the coming year within the budget, though it does reflect the use of \$377,000.00 of reserve funds. She stated the Committee would note, however, that there are certain capital projects that are needed in the coming year that will necessarily require the use of additional reserve funds, but those projects will be considered on a case by case basis by the Council, and the appropriations will be made as funding is required. Vice-Mayor King noted the budget does not include any real estate or personal property tax increases, nor does it include any other increase in other taxes or fees. She advised that when the Budget Ordinance is considered later in the meeting, it would be the recommendation of the Budget and Finance Committee that it be adopted on first, but not final, reading.

Vice-Mayor King also reported that the Town has received notice from Shentel Cable Company that they are in the process of acquiring JetBroadband, LLC. She stated the franchise for telecable services within the corporate limits is currently held by JetBroadband, LLC, and the purchase by Shentel Cable Company will necessarily require that the franchise for JetBroadband, LLC be transferred to Shentel Cable Company. Vice-Mayor King indicated that all technical and financial information associated with this change in the telecable company is regulated by the Federal Communications Commission. She stated that the Council does not have any regulatory authority with regard to monthly services fees, etc. Vice-Mayor King noted that the Franchise Agreement merely states that the telecable company has the right to put its facilities in the Town's rights of way and that certain taxation will be imposed on the company for the use of these rights of way. She advised that later in the meeting when the resolution is considered that would transfer to Shentel Cable Company the Franchise Agreement currently held by JetBroadband, LLC, the Council can take one of the following actions: (1) Approve the resolution as drafted, or (2) Delay action on the adoption of the resolution and seek additional information from Shentel Cable Company. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ~~City of~~ ~~^}~~ ~~DE~~

#### **RE: PUBLIC WORKS COMMITTEE REPORT**

Councilman Weisiger, reporting for the Public Works Committee, reported that the Committee recently received a request for the installation of stop signs at the intersection of Mountain View Drive and 17<sup>th</sup> Street. He noted this would create a stop situation at all three approaches to this intersection. Councilman Weisiger advised that the person requesting these new traffic control measures felt that it would help in deterring the speeding that goes on along Mountain View Drive between 13<sup>th</sup> Street and Cove Road. Councilman Weisiger stated that the Committee has reviewed this inquiry previously and did not feel that this was an appropriate location for these new traffic control devices. He explained that the Committee has, again, reviewed the inquiry and, again, believes that it would not be beneficial to traffic flow to erect these stop signs. Councilman Weisiger stated, therefore, it is the recommendation of the Public Works Committee that the Council take no action approving the request for additional stop signs at Mountain View Drive and 17<sup>th</sup> Street. He noted, however, that the Committee would request the Police Department to increase patrolling on this section of street and to install the electronic monitoring device that measures the volume and speed of the traffic. Mayor Crewe advised that unless someone has an objection to doing otherwise, by consensus, the Council will not erect a stop sign, but the Council will ask the Police Department to increase patrolling on this section of street and to install the electronic monitoring device that measures the volume and speed of the traffic. He inquired as to the name of the device. Town Manager Sutherland answered that he cannot recall the name of the electronic monitoring device.

Councilman Weisiger also reported that the Committee has received an overview of a project being considered by Wythe County to extend water lines to both the Speedwell and Rural Retreat area of the County. He stated that currently, Wythe County has under design a water line project that will extend from the western corporate limits of Wytheville along Route 11 to Rural Retreat. Councilman Weisiger noted that in addition, Wythe County is considering construction of a new water line that will serve the Speedwell area. He advised that as the Town understands, the water system in Speedwell is currently being operated with ground wells that are experiencing certain deficiencies. Councilman Weisiger commented that in their assessment, the Board of Supervisors believes that it would be more beneficial to connect the Speedwell area into the countywide water system rather than drilling additional wells. He stated that one component of the line serving the Speedwell community would be the potential for the refurbishment of water lines along Route 21 just west of the Wytheville corporate limits. Councilman Weisiger advised that the Town currently has a number of customers, who reside in the county, who are on the Town's water system. He explained that this portion of water system on Sand Mountain is in a general state of bad repair and, certainly, the County's project may present the opportunity to improve service to these residents. Councilman Weisiger stated that all of these designs are still being considered, and no action has been taken, but the Committee did want to alert the Council that there was the potential for improvements on that section of the system. He advised that the Committee would note, finally, that the installation of both of these sections of water line being reviewed by the County could ultimately be a component of the consolidated water system in Wythe County. Councilman Weisiger stated that as the Council knows, this topic has been discussed by the Joint Governing Bodies on a number of occasions, and the consulting engineers have concluded that a consolidated water system is economically feasible. He noted that, certainly, the Council will be discussing these topics in more detail in the coming months. Mayor Crewe advised that the Council will await further information before they take any action. He stated he appreciates the hard work of both Committees. A copy of the Public Works Committee report is attached and made part of these minutes. [Click here to view the report](#)

**RE: ORDINANCE NO. 1247 – MEALS TAX AMENDMENT**

Mayor Crewe presented Ordinance No. 1247, an ordinance amending and reenacting Chapter 14, Taxation, Article V. Meals Tax, Section 14-76, Definitions, and Section 14-90, Exemptions, of the Code of the Town of Wytheville, Virginia, on second reading. He noted that this ordinance amends the meals tax to make it clear that the meals tax could be imposed on an alcoholic beverage whether or not it is consumed with a meal. A motion was made by Vice-Mayor King and seconded by Councilman Lambert to suspend the rules and approve Ordinance No. 1247, an ordinance amending and reenacting Chapter 14, Taxation, Article V. Meals Tax, Section 14-76, Definitions, and Section 14-90, Exemptions, of the Code of the Town of Wytheville, Virginia, on second and final reading. Mayor Crewe inquired if there is any discussion on the motion to adopt the ordinance for the amendment to make the meals tax applicable to alcoholic beverages consumed independently of a meal. 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, William B. Weisiger, H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1247 was adopted on second and final reading.

**RE: ORDINANCE NO. 1248 – BUSINESS LICENSE AMENDMENT**

Mayor Crewe presented Ordinance No. 1248, an ordinance amending and reenacting Chapter 7, Licenses and Business Regulations, Article II. Business, Professional and Occupation Licenses, Section 7-21, When Tax Due and Payable, of the Code of the Town of Wytheville, Virginia, on second reading. He advised that this is a change to the business license ordinance that requires an applicant to produce satisfactory evidence that all delinquent business license, personal property, meals, and transient occupancy taxes owed to the Town by the applicant have been paid. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to suspend the rules and adopt Ordinance No. 1248, an ordinance amending and reenacting Chapter 7, Licenses and Business Regulations, Article II. Business, Professional and Occupation Licenses, Section 7-21, When Tax Due and Payable, of the Code of the Town of Wytheville, Virginia, on second and final reading. 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, William B. Weisiger, H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1248 was adopted on second and final reading.

**RE: ORDINANCE NO. 1249 – BUDGET ORDINANCE**

Mayor Crewe presented Ordinance No. 1249, the Budget Ordinance for fiscal year 2010-11, on first reading. He noted this was recommended by the Budget and Finance Committee to be approved on first, but not final, reading. He inquired if there is any discussion on the motion from the Committee to adopt the Budget Ordinance on first reading. 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, William B. Weisiger, H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1249 was adopted on first, but not final, reading.

**RE: RESOLUTION – SHENTEL CABLE COMPANY**

Mayor Crewe stated the next agenda item is to consider a resolution approving the transfer of the telecable franchise to Shentel Cable. He advised this would transfer the telecable franchise from JetBroadband to Shentel Cable Company. Mayor Crewe noted that the Council saw the options that were outlined to either approve it or delay action on this. He stated it is his understanding that the Council has reviewed this and sees no problem with moving forward unless Town Attorney Kaase wants to make some comments or address it. Town Attorney Kaase advised that he has reviewed the package that was provided to him, and if the Council approves this, they are stating that they have reviewed the application, examined legal, financial, and technical qualifications of Shentel, and that the Council has followed all of the required procedures to consider and act upon the application and considered the comments of all interested parties. He remarked that it has been made plain to him by attending the Local Government Attorneys' meetings annually and other sources that the franchise authority's participation in these changes of ownership of the franchisee is very limited in what they can and cannot do. Town Attorney Kaase stated if the Council has questions or if they have suggestions or complaints about the current system, now is the time to address them. He indicated that if the Council does not like a part of Shentel's package and the Council wants them to change it, now is the time to have them attend a Council meeting and talk to them about it. Town Attorney Kaase advised that in terms of if JetBroadband wants to convey its interest to Shentel, they, certainly, can do that. Mayor Crewe remarked that the Town is "the tail wagging the dog." He stated he thinks everyone has had lots of complaints about the cable system, but the options are severely limited. Mayor Crewe noted that Town Attorney Kaase is correct, and as the Committee noted, the Council can summons them to come and talk to the Council. Town Manager Sutherland indicated that representatives of Shentel Cable Company have volunteered to come and talk to the Council. Town Attorney Kaase stated that the documents they gave the Council included some nice letters, but they are all from communities that are really not similar to Wytheville. Mayor Crewe pointed out that most of the letters are from West Virginia. Town Attorney Kaase stated that, again, whether or not it is going to happen, if the Council has concerns about the way the system is operated, he would guess that Shentel is going to be very interested in getting the Council to approve this. Mayor Crewe remarked that once the Council approves this, Shentel Cable Company is probably less interested in what the Council thinks. Town Attorney Kaase summarized that this is the way it has always turned out, and everyone is always very nice. Mayor Crewe thanked Town Attorney Kaase for his remarks. He inquired if there is any motion regarding the franchise. Councilman Weisiger advised that the Council could ask them to attend a Town Council meeting. Mayor Crewe inquired if the Council would like to ask them to put it in a letter rather than make them come from Fredericksburg, and noted they are based in Fredericksburg. Vice-Mayor King stated that they need to come to Wytheville to see what the town is all about. Mayor Crewe stated that representatives volunteered to attend a meeting and noted they would be glad to do that. Councilman Lambert inquired if the Council has any specific complaints they would like to discuss. Mayor Crewe answered that what he hears the most is the channels hanging up and locking up, and there is

sound sometimes but no picture, or a picture and no sound, and sometimes it just hangs and there is a picture that is on the television for hours at a time but there is no sound. He reiterated that these are the main complaints that he hears. Mayor Crewe stated that he has personally experienced this himself. Vice-Mayor King noted she wondered if there is anything they can do when there is a bad storm and the cable is out and advised that she did not know. Mayor Crewe stated he can share with the Council that he is thinking the person's name that works there is Dennis Crigger. Vice-Mayor King noted that it is David Crigger. Mayor Crewe remarked that Mr. Crigger told him that what he was being told was that presently, all of JetBroadband's equipment is on Sand Mountain, and when there is bad weather or a storm or something, it messes up the tower, and it may take awhile, and they cannot get there on snowy days, etc. He stated that Mr. Crigger advised that he has been told that JetBroadband was going to move all that equipment to the office in Wytheville so there would be nothing on the mountain and it would all be fiber optic cable and everything would be in house so if something went wrong they ought to be able to fix it quicker, and this is what Mr. Crigger told him. Mayor Crewe pointed out that Mr. Crigger is telling him what he is being told, so that is second hand hearsay and once removed, he guessed. He noted if the Council wants, he thinks they can either have a phone conversation, the Council can send a letter, or they can ask them to attend a meeting, and they have indicated that they would be glad to come to Wytheville. Mayor Crewe indicated that he thinks that Town Attorney Kaase is correct in that once the Council signs off on this, Shentel has less reason to pay attention to the Council than before they sign off on it. Vice-Mayor King indicated that maybe the Council does need to ask them to attend a meeting. Town Manager Sutherland stated that the Town can invite them to the next meeting of Council. Vice-Mayor King noted that the meeting could be held in the conference room like it has been done previously. Councilman Lambert stated that if they attend a Council meeting, it could be advertised and people who have complaints may attend the meeting. He noted he thinks this would be the best. Mayor Crewe noted that what he thinks he hears is that there is no motion to do anything with the resolution, and to let it lay there for awhile, and the Council will invite them to attend a meeting and maybe pass the resolution at the meeting the Shentel representatives attend. Town Attorney Kaase indicated that they talk about things in these letters, and the one from the City of Richwood states, "Shentel described to us their plans to upgrade and improve the franchised area of the system." Vice-Mayor King noted that she wonders if they did the improvements. Town Attorney Kaase inquired as to what they did to upgrade and improve. Mayor Crewe inquired as to how successful that was or if it was just a plan. Town Attorney Kaase inquired as to what is their plan to upgrade and improve the Town of Wytheville, which he thinks, again, exists very differently than the other communities that were referenced. Mayor Crewe inquired if Shentel would have the same issue with Wythe County because JetBroadband is outside the Town limits. Town Manager Sutherland pointed out that JetBroadband has customers outside the town in the county. Mayor Crewe indicated that maybe this meeting needs to be coordinated with Wythe County, or they could appear at both meetings or a joint meeting or have the County representatives attend a Council meeting when Shentel Cable Company meets with the Council. Councilman Lambert indicated that he does not know if it has anything to do with the quality of service, but JetBroadband has a lot of deteriorated lines around town, and it appears to him or gives the impression of not very good workmanship. Mayor Crewe stated he shares Councilman Lambert's concerns. He noted what he thinks he heard is to take no action on the resolution approving the transfer of the telecable franchise to Shentel Cable and request the company to attend the next Council meeting if possible and invite members from the Board of Supervisors to hear their remarks.

#### **RE: ADJOURNMENT**

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:20 p.m.).

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Trenton G. Crewe, Jr., Mayor

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Sharon P. Hackler, MMC, Clerk of Council

## **BUDGET AND FINANCE COMMITTEE REPORT**

**MAY 10, 2010**

1. Later this evening, the Council will consider, on first reading, the budget for fiscal year 2010-2011. The public hearing with regard to the budget will be held at the Council meeting on May 24 as well as the budget being read on second reading. The budget is scheduled to be heard on third reading for adoption at the June 14 meeting of Council.

The budget as drafted for first reading totals \$16,332,905.00 and is comprised of \$11,305,905.00 in the General Fund and \$5,027,000.00 in the Water and Sewer Fund. The budget is balanced and reflects all operational expenses for the coming year within the budget, though it does reflect the use of \$377,000.00 of reserve funds. We would note, however, that there are certain capital projects that are needed in the coming year that will necessarily require the use of additional reserve funds, but those projects will be considered on a case by case basis by the Council, and the appropriations will be made as funding is required.

The budget does not include any real estate or personal property tax increases, nor does it include any other increase in other taxes or fees.

When the Budget Ordinance is considered later this evening it would be the recommendation of the Budget and Finance Committee that it be adopted on first but not final reading.

2. We have received notice from Shentel Cable Company that they are in the process of acquiring JetBroadband, LLC. The franchise for telecable services within the corporate limits is currently held by JetBroadband, LLC, and the purchase by Shentel Cable Company will necessarily require that the franchise for JetBroadband, LLC be transferred to Shentel Cable Company. All technical and financial information associated with this change in the telecable company is regulated by the Federal Communications Commission. The Council does not have any regulatory authority with regard to monthly service fees, etc. The Franchise Agreement merely states that the telecable company has the right to put its facilities in the Town's rights of way and that certain taxation will be imposed on the company for the use of these rights of way.

Later this evening, when the resolution is considered that would transfer to Shentel Cable Company the Franchise Agreement currently held by JetBroadband, LLC, the Council can take one of the following actions: (1) Approve the resolution as drafted, or (2) Delay action on the adoption of the resolution and seek additional information from Shentel Cable Company.

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Jacqueline K. King

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John W. Jones, Jr.

## **PUBLIC WORKS COMMITTEE REPORT**

**MAY 10, 2010**

1. The Committee recently received a request for the installation of stop signs at the intersection of Mountain View Drive and 17<sup>th</sup> Street. This would create a stop situation at all three approaches to this intersection. The person requesting these new traffic control measures felt that it would help in deterring the speeding that goes on along Mountain View Drive between 13<sup>th</sup> Street and Cove Road. Our Committee has reviewed this inquiry previously and did not feel that this was an appropriate location for these new traffic control devices. We have, again, reviewed the inquiry and, again, believe that it would not be beneficial to traffic flow to erect these stop signs. Therefore, it is the recommendation of the Public Works Committee that we take no action approving the request for additional stop signs at Mountain View Drive and 17<sup>th</sup> Street. However, we would request the Police Department to increase patrolling on this section of street and to install the electronic monitoring device that measures the volume and speed of the traffic.
2. Our Committee has received an overview of a project being considered by Wythe County to extend water lines to both the Speedwell and Rural Retreat areas of the County. Currently, Wythe County has under design a water line project that will extend from the western corporate limits of Wytheville along Route 11 to Rural Retreat. In addition, Wythe County is considering construction of a new water line that will serve the Speedwell area. As we understand, the water system in Speedwell is currently being operated with ground wells that are experiencing

certain deficiencies. In their assessment, the Board of Supervisors believes that it would be more beneficial to connect the Speedwell area into the countywide water system rather than drilling additional wells. One component of the line serving the Speedwell community would be the potential for the refurbishment of water lines along Route 21 just west of the Wytheville corporate limits. The Town currently has a number of customers, who reside in the county, who are on the Town's water system. This portion of water system on Sand Mountain is in a general state of bad repair and, certainly, the County's project may present the opportunity to improve service to these residents. All of these designs are still being considered, and no action has been taken, but we did want to alert the Council that there was the potential for improvements on that section of the system. We would note, finally, that the installation of both of these sections of water line being reviewed by the County could ultimately be a component of the consolidated water system in Wythe County. As the Council knows, this topic has been discussed by the Joint Governing Bodies on a number of occasions, and the consulting engineers have concluded that a consolidated water system is economically feasible. Certainly, we will be discussing these topics in more detail in the coming months.

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William B. Weisiger

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H. Judson Lambert