

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JANUARY 8, 2007, 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, Town Attorney Robert P. Kaase, Building Official Stan Massie, Police Sergeant Joel Hash, Police Officer John Humphrey, Jeff Harman, Patty Harman, Edmund Pendleton, William Pendleton, Coleman Shuler, Tyler Crewe, Justin Harmon with Wytheville Enterprise

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 December 11, 2006. A motion was made by Councilman Weisiger and seconded by Councilman Jones to approve the consent agenda consisting of the minutes of the regular meeting of December 11, 2006. 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: PUBLIC HEARING – ABOVEGROUND FUEL STORAGE TANKS

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider an amendment to Article XI – Business District B-2 (General), Subsection 11-1.33, of the Town of Wytheville Zoning Ordinance regarding permitting aboveground fuel storage tanks. He noted this matter comes to the Town Council from the Planning Commission. Mayor Crewe explained that the Town Council will act upon this matter later in the meeting by way of an ordinance. He stated there was no one other than Mr. Edmund Pendleton who had indicated that they desired to speak. Mayor Crewe noted that no one has to speak, but anyone is welcome to speak. He noted if he is missing something for someone to tell him, but there is no one who indicated they desired to speak on the sign up sheets that he has received except Mr. Pendleton.

Mr. Edmund Pendleton was recognized and stated he appreciates the opportunity to attend the Town Council meeting. He noted that very briefly, he would like to state that this whole issue of aboveground tanks, and advised he tried to emphasize this to the Planning Commission, is that this is as much of an environmental issue as anything else. Mr. Pendleton remarked that it is interesting because as everyone sees, water supplies of the nation are dropping. He indicated that good water is going to be difficult to find. Mr. Pendleton advised he knows that everyone has found out in the Town of Wytheville that there are problems with underground caves, etc.

He noted he is going to leave several things with the Town Council to review, when they get a chance, on karst geology. Mr. Pendleton indicated that over 20 percent of the country or landmass is covered in karst geology, which means caves. He stated that the water, so often, comes through caves. He stated he knows on this particular property, they had problems many years ago. Mr. Pendleton noted he is embarrassed to tell the Council that one time one of his neighbors came over and complained about water in their basement smelling like gasoline. He stated they learned quickly that they had to change the tank. Mr. Pendleton indicated that his point is it was not even close, but it may have been 500 or 600 feet away. He stated the whole purpose of this ordinance is to provide for this in a B-2 zone, and remarked that there are a number of businesses in a B-2 zone that could want larger fuel tanks, and this is a way they can be provided. Mr. Pendleton explained that what has been proposed by the Planning Commission is a way this can be done, and the tanks can be screened so they will fit within the community standards. He remarked that he does not have anything else to state. Mr. Pendleton reiterated that he is going to leave a couple of things for the Council to review when they get a chance. He inquired if anyone has any questions. Mayor Crewe inquired if any of the Council members have any questions for Mr. Pendleton. There being none, Mayor Crewe advised Mr. Pendleton that the Council will be glad to look at any information he would like to leave. Mr. Pendleton noted he will leave the information, and indicated that it is interesting. He stated if the Council thinks about ground contamination, and stated he does not know if the Town Manager can tell him, but when the Town did the landfill, he would guess there was something put under it to contain it. Mr. Pendleton remarked that there are all of these situations, and this is a similar kind of situation, and something has got to be done. He stated there is a good article on the Internet that has to do with the amount of water that will be needed with the population growing, and advised that clean water is decreasing. Mr. Pendleton indicated that how people, as a society, and how the town, as a municipality, provide that water and make certain it is clean is a real issue. He reiterated that this a very interesting article on karst geology, which the town is in. Mr. Pendleton advised that he will leave this with the Council. Mayor Crewe thanked Mr. Pendleton for his comments. Mr. Pendleton inquired if there is anything else he should stay for. Mayor Crewe advised that Mr. Pendleton staying for the remainder of the meeting is his option, but noted that the Council will take action on this proposed ordinance with the amendment later in the meeting. Mr. Pendleton remarked that his point is that there is no question about having another discussion and he does not need to be staying for the meeting. He noted that this is a public hearing. Mayor Crewe indicated that is correct. Mr. Pendleton advised that he does not have to worry about another discussion. Mayor Crewe stated that is correct and thanked Mr. Pendleton for attending the meeting.

Mayor Crewe inquired if there are others who wished to address the Town Council during the public hearing for the proposed amendment to the Zoning Ordinance. There being none, Mayor Crewe declared the public hearing closed.

RE: CITIZENS' PERIOD

Mayor Crewe noted the next agenda item is Citizens' Period. He noted that the Council always has Citizens' Period at every meeting. Mayor Crewe stated that as usual, he is going to limit the comments to five minutes. He noted that he will be keeping the time.

Mr. Coleman Shuler was recognized and stated he appreciates the opportunity to speak to the Council. He noted he would like to wish all the Council members a happy new year. He indicated that he is glad he is attending the meeting because that means he is above the ground, and he is alive. Mr. Shuler indicated that he will not take much of the Council's time because he needs to rush off to the hospital in a little bit to help take care of his little

granddaughter because his little grandson that is just three days old is in the hospital. He stated that as he wrote on the sign up sheet, the topic he needed to discuss is a plan for Building Official Stan Massie. Mr. Shuler indicated that as the Council knows, through their Town Building Official, that he has been found in violation of some Town building codes, property maintenance codes, and zoning ordinances over the last several years, and this is in current litigation. He stated there are several court orders that have been decided against him. Mr. Shuler remarked that as the Council also knows, he has alleged perjury from the very beginning of the initial trial. He stated he has proof of this. Mr. Shuler noted that last Wednesday when there was a review, his case was scheduled for review. He advised that he was not told to prepare any particular evidence, and noted that the Commonwealth Attorney did not have any physical evidence, but he did have the testimony of the Town Building Official, Mr. Stan Massie, who is seated at this meeting. He noted that Mr. Massie, again, committed perjury to wit two things. He noted that Mr. Massie stated that since November, which he was convicted, that there was more junk and trash on his property now than there was then, which is false, and Mr. Shuler remarked that he can prove this. Mr. Shuler advised that Mr. Massie also stated in a meeting with him two months ago...., after his conviction when he asked for all of the pictures that had been taken of his property, 56 in total he believes is the correct amount, and when Mr. Massie gave those pictures to him, he advised he would try to cooperate in any way he could but his health came first. Mr. Shuler remarked that keeping his electric bill paid first and keeping his house came first, because if he does not own the house anymore, he does not need to clean it up because he would need to be looking for another place to live. He pointed out that he is currently over six months behind on his house payments and in foreclosure. Mr. Shuler noted that he talked to the bank today, and they are going to give him some more time, even though the Town Council has not given him more time. He stated he does have another chance to keep his house. Mr. Shuler noted he stated in court in November that he will cooperate. He advised that he told Mr. Massie two months ago that he will cooperate. Mr. Shuler indicated that Mr. Massie stood up in court Wednesday, and after he stated this at that meeting, when he gave him those tapes, and stated, "Mr. Shuler said he will not cooperate whatsoever." He advised that, of course, as the Council knows, he has been bringing his tape recorder to the Town Council meetings for the last several years, and he always tapes his meetings with Mr. Massie because he sometimes tells the truth and he sometimes does not. Mr. Shuler indicated that Mr. Massie sometimes forgets what really happens, and it is sometimes just a lie. Mr. Shuler expressed that he does not want the Council to believe him, he just wants them to believe the physical evidence. Mr. Shuler remarked that he is not attending the meeting to try the case, but advised that he is considering some of the options. He noted that some of the options are, of course, filing perjury charges, which he has to have the Commonwealth's approval, which Mr. Massie was a Commonwealth chief witness. Mr. Shuler noted that Mr. Massie is also the original plaintiff in the case, and Mr. Massie is the one that the court left to decide if he is in compliance. He remarked that if Mr. Massie does not do the correct thing, everyone knows that he is not going to come out ahead. Mr. Shuler stated that one of the things he is considering, obviously, is criminal charges against Mr. Massie. He noted that another option is national media coverage and another one is a \$1 million civil suit. Mr. Shuler advised that he has just one question for the Council at this meeting. He inquired if the Town Council has any interest in helping as another option that everyone might consider. Mr. Shuler noted that he thanks the Council, and if they do not have any questions, he will be leaving. Mayor Crewe advised he would like to address three points Mr. Shuler made that are in error. He indicated that they have been through this before. Mayor Crewe stated that first of all it is not the Town versus Mr. Shuler, but it is the Commonwealth of Virginia versus Mr. Shuler. Mr. Shuler stated that is correct now, but, it was originally the Town, and they just had the Commonwealth do their work. Mayor Crewe advised that it is a criminal case, and it is the Commonwealth of Virginia versus Mr. Shuler for contempt. He explained that the Town is not a party to that case. He noted that

first, when Mr. Shuler stated it is the Town versus Mr. Shuler, he is wrong. Mayor Crewe reiterated that it is the Commonwealth of Virginia versus Mr. Shuler. He noted that secondly, Mr. Shuler noted that Building Official Stan Massie was the original plaintiff, and this is not true. Mayor Crewe remarked that Mr. Massie has never been a plaintiff. Mr. Shuler advised that Mr. Massie took out the original warrant. Mayor Crewe reiterated that Mr. Massie is not the plaintiff. Mr. Shuler inquired as to who was the original plaintiff. Mayor Crewe explained that Mr. Massie is not the plaintiff, but he is the code enforcement officer on the criminal charge. He noted the third thing that Mr. Shuler stated is Mr. Massie would decide whether or not Mr. Shuler has made progress. Mayor Crewe pointed out that this is also not true, and the Town does not decide whether Mr. Shuler has made progress, but the court decides whether Mr. Shuler has made progress. He continued that the three things Mr. Shuler wants to discuss, once again, he is discussing it with the wrong people. Mayor Crewe stated that the Town Council does not have any control over this, Mr. Shuler's dispute, perjury, etc., and he explained that there are avenues available to Mr. Shuler. He noted that Mr. Shuler has an attorney, and he can take it up in court, not with the Town Council. Mr. Shuler inquired if he could clarify. Mayor Crewe stated that Mr. Shuler could clarify. Mr. Shuler advised Mayor Crewe that he is incorrect. He noted that first of all, the Commonwealth Attorney in personal testimony to him stated he was....Mayor Crewe interjected that first of all, the Commonwealth Attorney cannot testify to Mr. Shuler. Mr. Shuler advised that the Commonwealth Attorney communicated to him. Mayor Crewe noted that it was a conversation. Mr. Shuler advised that the Commonwealth Attorney communicated with him in a meeting with his public defender, at the Commonwealth Attorney's Office, that he had held a meeting with Mr. Sutherland, the Town Manager; Mr. Kaase, the Town Attorney; Mr. Massie, the enforcement officer; and, Mr. Albert Newberry, Public Safety Director, who is Mr. Massie's boss, and the Commonwealth Attorney stated he was going to do what they wanted, and they wanted him prosecuted. Mr. Shuler advised that this part is relatively correct as to what he stated. He noted that first of all, technically, as Mayor Crewe stated, it is up to Circuit Court Judge Joe Showalter, Jr., but he relies on what Mr. Massie states to make his decision. Mayor Crewe stated that Mr. Massie's testimony and the photographs are evidence, just like any of it that Mr. Shuler wants to present. Mr. Shuler advised that Mr. Massie had no evidence Wednesday, only testimony. Mayor Crewe pointed out that testimony is evidence. He stated that, again, Mr. Shuler is bringing this up with the wrong group. Mr. Shuler stated that all he asked is if the Council wanted to help, but a \$1 million lawsuit is fine. He noted that the national media is also fine, and indicated that he does not mind going those routes. Mr. Shuler remarked that he only asked the Council, as the protectors of the reputation of the Town of Wytheville, all of its citizens, which actually includes him, but it includes all of the people attending the meeting and the several other thousands. He noted that none of them will be served by a \$1 million lawsuit against the Town and Mr. Massie, and none of them will be served by national media attention against this gross injustice. Mr. Shuler remarked that the Council had the pledge and the prayer. He admitted that he is in violation of ordinances, but everyone attending this meeting is rather familiar with the Ten Commandments, and two of those things are "thou shalt not lie" and "thou shalt not bear false witness." Mr. Shuler indicated that in his mind and in his life, there are much higher laws than the ordinances he is in violation of on his own property when he only made \$5,000 last year, and he has serious health problems. He advised that if the Town Council has no compassion for this, and Mr. Massie can falsely testify, he has to fight against it because he spent the weekend in the New River Valley Regional Jail, and those fellow criminals treated him much better and much fairer than any court he has ever been in and Mr. Massie has ever treated him. He explained that most of the individuals are in jail over charges of driving under the influence and assaults, and stuff like that. Mr. Shuler pointed out that even though they are criminals, there is one thing they do better than most anybody else, and they will tell a person the truth. He noted that when they did the crime, they stated they did the crime. Mayor Crewe indicated that Mr. Shuler has avenues to address all of the allegations. Mr. Shuler

requested the Council to understand that he asked for their help if they wanted to preserve the reputation of the Town. Mayor Crewe advised Mr. Shuler to do whatever he thinks is in his best interest. He noted he will tell Mr. Shuler that when he makes reckless allegations against a Town employee that are unfounded, and the only avenue available is the court, he will find himself in court. Mayor Crewe remarked that the allegations will be addressed by a judge, not by the Town Council, and that is the proper forum, and it has been that way five or six years. Mr. Shuler inquired as to what is reckless and unfounded. Mayor Crewe noted that Mr. Shuler is stating that Mr. Massie committed perjury. Mr. Shuler indicated that he has proof of it. Mayor Crewe indicated that Mr. Shuler can present this proof to the court. Mr. Shuler pointed out that he did not know that Mr. Massie was going to lie that day or he would have taken it with him. Mayor Crewe reiterated that Mr. Shuler has avenues available to him, and he would suggest that he explore those avenues, and the Town Council is not one of those avenues. Mr. Shuler stated that the Council will at least know they had the chance. Mayor Crewe thanked Mr. Shuler for his comments. Mr. Shuler indicated that he was willing to help the Town Council if they would help him because he wants what is best for the citizens of Wytheville. He noted that he is serious, and this is his town, but it is also our town. Mayor Crewe stated that Mr. Shuler and the Town Council have a very big difference of opinion, and that is why they need the court to decide it. Mayor Crewe thanked Mr. Shuler for appearing, and noted that the Council wishes him well.

Mayor Crewe inquired if there are others who wish to address the Town Council during Citizens' Period. He noted if he is missing someone, he will be glad to give them the opportunity to speak. Mr. Shuler thanked Mayor Crewe for the opportunity to address the Town Council. Mayor Crewe noted that Mr. Shuler is welcome. There being no others to address the Town Council during Citizens' Period, Mayor Crewe proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. Next Monday, the Town will observe the Martin Luther King, Jr. Holiday, and the Municipal Offices will be closed.
2. Next week, the Public Works Committee meeting will be on Wednesday, January 17, and the Budget and Finance Committee will meet on its regular day, Thursday, January 18.
3. The following week, the Committee meetings will be reversed, and the Public Works Committee will meet on Thursday, January 25, and the Budget and Finance Committee will meet on Tuesday, January 23.
4. The New River Regional Water Authority meets on January 18, and the Joint Governing Bodies meets on the last Monday of this month, January 29. Mayor Crewe inquired as to who hosts the Joint Governing Bodies meetings this year, and if it is the Town. Councilman Jones advised that it is the Town of Rural Retreat's turn to host the joint meetings.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, reported that in preparation for obtaining telephone service to the new Community Center, the Town determined that the

Town's existing system was not capable of adequately accommodating all of the Town's facilities, including the new Community Center building. She remarked that the telephone system currently serving all of the Town's facilities is approximately fifteen years of age, and enhancements to this system are costly, and will not serve the Town well in the long term. Vice-Mayor King stated that as such, the Town contacted the telephone company to discuss the potential for a new system that would serve all of the Town's facilities, including the new Community Center. She noted that all of the new telephone systems are computer based and provide great flexibility in the relocation of phones and providing services to individual users without the necessity of using the telephone company to make these revisions. Vice-Mayor King indicated that the equipment that will be utilized has a value of approximately \$192,000 and can either be purchased outright or leased. She noted the Committee thinks it is to the Town's advantage to enter a lease arrangement with the phone company rather than expend this large sum of money at one time. Vice-Mayor King advised that in prior years, the lease of telephone equipment was handled by the telephone company, but now, the telephone company uses an independent lease agency. She remarked that in this situation, the lease agency used by the telephone company is the General Electric Capital Corporation. Vice-Mayor King stated that in making the lease arrangements, a number of steps had to be taken, including an opinion from the Town's attorney as well as a resolution from the Town Council authorizing the lease of this new equipment. She indicated that the telephone company has made all of the engineering arrangements for the installation of the equipment and has actually ordered the equipment that will be used in the various facilities. Vice-Mayor King noted that assuming the lease resolution is adopted at this meeting, the telephone company will begin its installation process tomorrow. She remarked that it is anticipated that they will have all of the new equipment in and functioning by the end of February or very early in March. Vice-Mayor King stated it would be the recommendation of the Budget and Finance Committee that the Council adopt the resolution and authorize the Town Manager to execute the lease and other documents associated with leasing and having the new telephone equipment installed in all of the Town's facilities. A motion was made by Vice-Mayor King and seconded by Councilman Jones that the Council adopt the resolution and authorize the Town Manager to execute the lease and other documents associated with leasing and having the new telephone equipment installed in all of the Town's facilities. Mayor Crewe noted that he knows both Committees discussed this matter. He inquired if there is any discussion on the motion. Mayor Crewe indicated that the only question that occurred to him is that the form the Council received has to be executed by the Town Clerk rather than the Town Manager. He inquired if the motion should be to authorize the Town staff rather than the Town Manager to execute the proper documents. Town Attorney Kaase advised that Town Clerk Hackler is just signing as a witness to the resolution. Mayor Crewe noted that is correct and advised that he was misreading the form. He stated he was looking at the wrong signature line. Mayor Crewe advised that the motion then would be to approve the resolution and authorize the Town Manager to execute the necessary leasing documents. 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.

Vice-Mayor King also reported that while speaking of the Community Center, the Committee thought it might be helpful to give everyone an update on the progress of the construction. She advised that most of the interior finishes are now in the final stages of completion. Vice-Mayor King indicated that the meeting space is essentially complete with the exception of the completion of the carpet installation in the main ballroom. She stated that in the recreation portion of the facility, the gymnasium is completed, the walking track is completed, the racquetball courts have been finished, and the youth area is essentially finished. Vice-Mayor

King indicated that the swimming pool area has been completed, and all of the pools have been filled with water. She remarked that the child care portion of the building, with the exception of a few minor matters, is complete. Vice-Mayor King stated the contractor advises that it is his goal to have an inspection on or about January 20 to establish substantial completion of the building. She explained that once this inspection is conducted, there will, no doubt, be more time required to correct any deficiencies that are noted, but for all practical purposes, the Town should be able to start occupying portions of the building by mid February. Vice-Mayor King advised that this will mean that the Town will, in all likelihood, be able to operate in the new facility on or about March 1. She pointed out that all of these dates are still tentative since one or more items could delay the completion date. Vice-Mayor King advised, however, that it should be noted that the building is rapidly approaching completion. Vice-Mayor King stated that sometime in the near future, the Committee will be suggesting opening procedures and opportunities for the public to view the new facility. Mayor Crewe noted that he understands the membership sales and registrations are going rather well so far for the new Community Center. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Lambert, reporting for the Public Works Committee, stated that as reported at the last Council meeting, JetBroadband, LLC has entered into a purchase agreement with Rapid Cable, the Town's existing telecable provider. He noted that after being notified that JetBroadband was proposing to buy Rapid Cable, the Town contacted its telecable consultant, Mr. John Howell with the Howell Group, to seek his advice in handling this transition between the companies. Councilman Lambert advised that Mr. Howell negotiated with the attorney for JetBroadband, and they have developed a draft ordinance granting a franchise to JetBroadband, LLC. He explained that the ordinance that is proposed to be adopted by the Town of Wytheville would be the same ordinance that is in place in Wythe County. He indicated this would mean that citizens who will be served by JetBroadband, regardless if their residence is in town or in the county, will operate under the same franchise agreement. Councilman Lambert stated the franchise agreement, as proposed, will also establish the franchise fee at 5 percent, both to the Town of Wytheville and the County of Wythe. He advised that though a public hearing is not required, the Committee believes it would be in the best interest of the Council to hold a public hearing with regard to the adoption of this ordinance granting JetBroadband a franchise in the town of Wytheville. Councilman Lambert stated that as such, it would be the recommendation of the Public Works Committee that the Council establish a public hearing at the February 12 meeting of Council. Mayor Crewe inquired if any Council member objects to holding a public hearing at the February 12 meeting though the Council is not legally required to do so, and, if so, he requested the Council members to express their opposition. He inquired if the Council members do not object to the public hearing if anyone objects to the February 12 date. Town Manager Sutherland remarked that it was not clear as to whether the Council is supposed to hold a public hearing or not, so it would be better to have one. Mayor Crewe inquired if anyone has any problem with conducting the public hearing at the February 12 meeting. It was the consensus of the Town Council to conduct a public hearing at the February 12, 2007, Council meeting to consider the ordinance granting the telecable franchise to JetBroadband, LLC.

Councilman Lambert also reported that slightly over two weeks ago, the Department of Housing and Community Development conducted an audit on the Town's financial documents and other documents associated with the receipt of the grant for the child care facility at the new Community Center. He stated all of the Town's records were found to be in order with exception that the Town did not adopt a Fair Housing Resolution during 2006. Councilman Lambert

advised that as the Council will recall, there are a number of documents the Council must adopt when receiving grant funds such as assurances that the Town is an Equal Opportunity Employer, that the Town provides a drug free workplace, etc., and that the Town endorses fair housing standards. He noted the Department of Housing and Community Development has advised that they will accept the adoption of this resolution in 2007 and find it to be in compliance for the 2006 audit. Councilman Lambert explained that also, since a similar resolution must be adopted annually, the Committee recommends that the Council proceed to adopt the 2007 resolution at this time as well. He stated it would be the recommendation of the Public Works Committee that both resolutions that are attached establishing fair housing standards be approved. A motion was made by Councilman Lambert and seconded by Councilman Weisiger that the Council adopt the resolutions establishing fair housing standards for 2006 and 2007. 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. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: ORDINANCE NO. 1207 – ABOVEGROUND FUEL STORAGE TANKS

Mayor Crewe presented Ordinance No. 1207, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to amend Article XI – Business District B-2 (General), Subsection 11-1.33, to permit aboveground fuel storage tanks, on first reading. He noted that the Council has the minutes, etc. from the Planning Commission, and this was the subject of the public hearing a few minutes ago. Mayor Crewe stated the recommendation is to change the ordinance and that the rules be suspended and the ordinance be adopted on first and final reading, so it would become effective immediately. A motion was made by Vice-Mayor King and seconded by Councilman Jones to suspend the rules and adopt Ordinance No. 1207, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to amend Article XI – Business District B-2 (General), Subsection 11-1.33, to permit aboveground fuel storage tanks, on first 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, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1207 was adopted on first and final reading. Mayor Crewe advised that the ordinance was adopted on first and final reading, which means it is effective immediately.

RE: APPOINTMENTS – RECREATION COMMISSION

Mayor Crewe stated the next agenda item is to consider the recommendation of the Recreation Commission regarding the appointment of members to the Recreation Commission to fill the expired terms of Mr. Paul Stanley and Dr. Christopher Pile whose terms expired December 31, 2006. He stated the Council has the recommendation before them that Dr. Christopher Pile be reappointed and that Mr. Mark Dillon be appointed to the Recreation Commission to serve three year terms that would end December 31, 2009. A motion was made by Vice-Mayor King and

seconded by Councilman Jones to reappoint Dr. Christopher Pile and appoint Mr. Mark Dillon to the Recreation Commission for a three year term that would expire December 31, 2009. 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: WYTHE GRAYSON REGIONAL LIBRARY

Vice-Mayor King advised that she received the minutes from the Wythe Grayson Regional Library, and Mr. Michael Gilley has resigned. Mayor Crewe stated that he had been told that Mr. Gilley resigned, but he was not clear on the date. Vice-Mayor King remarked that she would assume it was at the end of the year.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:30 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

BUDGET AND FINANCE COMMITTEE REPORT

JANUARY 8, 2007

1. In preparation for obtaining telephone service to our new Community Center, we determined that the Town's existing system was not capable of adequately accommodating all of the Town's facilities, including the new Community Center building. The telephone system currently serving all of the Town's facilities is approximately fifteen years of age, and enhancements to this system are costly and will not serve the Town well in the long term. As such, we contacted the telephone company to discuss the potential for a new system that would serve all of the Town's facilities, including the new Community Center. All of the new telephone systems are computer based and provide great flexibility in the relocation of phones and providing services to individual users without the necessity of using the telephone company to make these revisions. The equipment that will be utilized has a value of approximately \$192,000 and can either be purchased outright or leased. We think it is to our advantage to enter a lease arrangement with the phone company rather than expend this large sum of money at one time. In prior years, the lease of telephone equipment was handled by the telephone company, but now, the telephone company uses an independent lease agency. In this situation, the lease agency used by the telephone company is the General Electric Capital Corporation. In making the lease arrangements, a number of steps had to be taken, including an opinion from the Town's attorney as well as a resolution from the Town Council

authorizing the lease of this new equipment. The telephone company has made all of the engineering arrangements for the installation of the equipment and has actually ordered the equipment that will be used in the various facilities. Assuming that the lease resolution is adopted this evening, the telephone company will begin its installation process tomorrow. It is anticipated that they will have all of the new equipment in and functioning by the end of February or very early in March. It would be the recommendation of the Budget and Finance Committee that we adopt the resolution and authorize the Town Manager to execute the lease and other documents associated with leasing and having the new telephone equipment installed in all of the Town's facilities.

2. While speaking of the Community Center, we thought it might be helpful to give everyone an update on the progress of the construction. Most of the interior finishes are now in the final stages of completion. The meeting space is essentially complete with the exception of the completion of the carpet installation in the main ballroom. In the recreation portion of the facility, the gymnasium is completed, the walking track is completed, the racquetball courts have been finished, and the youth area is essentially finished. The swimming pool area has been completed, and all of the pools have been filled with water. The child care portion of the building, with the exception of a few minor matters, is complete. The contractor advises that it is his goal to have an inspection on or about January 20 to establish substantial completion of the building. Once this inspection is conducted, there will, no doubt, be more time required to correct any deficiencies that are noted, but for all practical purposes, we should be able to

start occupying portions of the building by mid February. This will mean that we will, in all likelihood, be able to operate in the new facility on or about March 1. All of these dates are still tentative since one or more items could delay the completion date. However, it should be noted that the building is rapidly approaching completion. Sometime in the near future, we will be suggesting opening procedures and opportunities for the public to view the new facility.

Jacqueline K. King

John W. Jones, Jr.

PUBLIC WORKS COMMITTEE REPORT

JANUARY 8, 2007

1. As reported at the last Council meeting, JetBroadband, LLC has entered into a purchase agreement with Rapid Cable, our existing telecable provider. After being notified that JetBroadband was proposing to buy Rapid Cable, we contacted our telecable consultant, Mr. John Howell with the Howell Group, to seek his advice in handling this transition between the companies. Mr. Howell negotiated with the attorney for JetBroadband, and they have developed a draft ordinance granting a franchise to JetBroadband, LLC. The ordinance that is proposed to be adopted by the Town of Wytheville would be the same ordinance that is in place in Wythe County. This would mean that citizens who will be served by JetBroadband, regardless if their residence is in town or in the county, will operate under the same franchise agreement. The franchise agreement, as proposed, will also establish the franchise fee at 5 percent, both to the Town of Wytheville and to the County of Wythe. Though a public hearing is not required, we believe it would be in the best interest of the Council to hold a public hearing with regard to the adoption of this ordinance granting JetBroadband a franchise in the town of Wytheville. As such, it would be the recommendation of the Public Works Committee that we establish a public hearing at the February 12 meeting of Council.
2. Slightly over two weeks ago, the Department of Housing and Community Development conducted an audit on the Town's financial documents and other documents associated with the receipt of the grant for the child care facility at the

new Community Center. All of the Town's records were found to be in order with exception that the Town did not adopt a Fair Housing Resolution during 2006. As you will recall, there are a number of documents the Council must adopt when receiving grant funds such as assurances that we are an Equal Opportunity Employer, that we provide a drug free workplace, etc. and that we endorse fair housing standards. The Department of Housing and Community Development has advised that they will accept the adoption of this resolution in 2007 and find it to be in compliance for the 2006 audit. Also, since a similar resolution must be adopted annually, we recommend that we proceed to adopt the 2007 resolution at this time as well. It would be the recommendation of the Public Works Committee that both resolutions that are attached establishing fair housing standards be approved.

William B. Weisiger

H. Judson Lambert