

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, APRIL 23, 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., Town Clerk Sharon P. Hackler, Assistant Town Manager Stephen A. Moore, Town Treasurer Robert P. Kaase, Sergeant John Claypool, Sergeant Jim Harrington, Police Officer Chris Irvin, Tammy Baker, Becky Grubb, Agnes Eades, Bill Smith, Helen Butler, Philip C. Austin, Pam Hall, Jackie Edwards, Marcia Tabor, Butch Tabor, Margaret Lowder, G. W. Lowder

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 Councilman Weisiger followed by the Pledge of Allegiance led by Councilman Lambert.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of April 9, 2007. 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 April 9, 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.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period. He noted that several people have advised they would like to address the Council, but remarked that he is unsure who would like to speak first.

Ms. Helen Butler was recognized and stated she is the executive director of Brain Injury Services of Southwest Virginia. She noted that with her at this meeting are some of the clients they serve in this area and the case manager that they placed in Wytheville not too long ago. Ms. Butler explained that they opened an office in Wytheville a few months ago, and Ms. Pam Hall is attending the meeting. She remarked that she would like to state a few words about their organization, and then she would like to read a letter from Annie Austin who is the mother of Philip Austin. Ms. Butler noted that their organization started about six years ago because Fran and Greg Rooker lost their son to a brain injury, and they gave up their full time jobs and sold the local newspaper in Wytheville and other places in order to go and volunteer full time for Brain Injury Services to be throughout the State of Virginia, but, in particular, in southwest Virginia, because they learned firsthand there were not resources in the community that they needed when their son was very much in need. She advised that they created Brain Injury Services and they do case management for people with brain injuries. Ms. Butler explained that case management is basically the process of identifying the needs of a person with a brain injury and helping to meet those needs in the community. She pointed out that a brain injury typically causes short term memory loss, lack of initiation, and a person could have some physical impairments and some sensory impairments, and just a loss of general executive functioning in the frontal lobes. Ms. Butler noted that this creates a barrier for them to access the services in their community, and they need a helping hand. She advised that this is where their organization comes in with their expertise and knowledge of community resources, and they help their clients figure it out and get what they really do need to be successful and as independent as they can be in the community. Ms. Butler remarked that a couple of years ago, their board of directors initiated a challenge to them and asked that they help people be of service to others, if they were interested in being of service. She noted that what this really meant was they would look at anyone who wanted to, and specifically ask them if they wanted to volunteer, return to work, go to school, or if any of those goals were included in their goals, and most people stated they wanted to. Ms. Butler indicated that they went from basically 20 percent of their clients to 65 and 70 percent of their clients in one of those categories, which is just amazing. She stated when they focus on it, it really does happen. Ms. Butler noted that these individuals are as independent in their community as much as possible and want to give back to the community.

Ms. Butler stated she would introduce the Council to Mr. Philip Austin and requested him to come to the podium. Mayor Crewe thanked Mr. Austin for attending the meeting. Ms. Butler advised that Mr. Austin asked her to read this letter from his mother because his mother could not attend the meeting. She pointed out that Mr. Austin has trouble reading her writing. Ms. Butler proceeded to read the letter which stated, "Hello. My name is Annie Austin. I had looked forward to being at this meeting, however, I've had a setback with my illness and have asked my son to read this letter to you. Standing before you is a young man who from all appearances looks fine. He's not. He has very serious problems with his memory. It began as he recovered 20 years ago this coming October 3rd. He received a closed head injury in an accident and took five rehabs and much therapy to train the left side of his brain to do all the things the right should do. The right side is permanently damaged. Brain injury people fit in nowhere in our society today with many survivors and relatives over the years fighting for some help. Society has come to realize there must be a place provided. We now have a chance for helping by opening offices in areas that can give the people a case manager. I moved here three years ago because I was ill and needed a town. I moved Philip because I soon found Wytheville had many things that provided his needs, although it fell short in some. Wytheville is a great little town and is centrally located to two major interstates while joining main routes with major highways. This makes the beginning of a head injury program unlimited. It has the ability of reaching many counties and although there is no true count at this time of people with head injuries, there are very many. I know of at least 10 right off. Your help in providing funds and support will go a long way. To make anything work takes pulling together, and I hope each of you will come to realize what an enormous help this can be in the coming years. Long after you and I are too old to fight for help, I'm sure doctors will find Alzheimer's and other mental problems fit into programs well developed for head injury that will benefit. Thank you for your time. As time passes, I hope you will get to know my son and enjoy talking to him as so many of you have over the years. Annie Austin." Mayor Crewe remarked that he thinks he knows he speaks for Council when he states congratulations to Philip on the progress he has made. He remarked that he knows it is an awful long road and a lot of hard work required. Mayor Crewe reiterated his congratulations to Mr. Austin on the progress he has made and accomplished. He thanked Mr. Austin for attending the meeting. Mayor Crewe asked Mr. Austin to thank his mother for her eloquent words as well. Mr. Austin advised that he would like to thank the Council and the community for helping him out, and noted it has been a big help. Mayor Crewe asked Mr. Austin where he lives. Mr. Austin inquired if the Council was familiar with where the former Big Lots used to be. Mayor Crewe noted he was familiar with that. Mr. Austin advised that he lives at Longview Apartments. He stated he is trying to get in shape to walk back to Austinville. Mayor Crewe pointed out that this is a formidable task. Mr. Austin stated that is why he is walking so much. Mayor Crewe stated that the Council wishes Mr. Austin well.

Ms. Butler indicated that at this point, she would like to introduce the Council to their case manager, Ms. Pam Hall. Ms. Hall stated it is a pleasure to attend the meeting and speak to the Council. She noted she is the lucky one who gets to work with all of the wonderful people that she does. Ms. Hall explained that she started this job, and she had worked with another nonprofit agency in Wythe County for over 14 years. She remarked that in October, she started with the Brain Injury Services, and since she has begun, they have already opened up an office. Ms. Hall advised that they are going to have an open house on May 18. She noted that the office is located right across from the library. Ms. Butler indicated that the Council may have seen a big sign that was put up that states "Brain Injury Services," and there is a big, yellow butterfly on it. She stated their office is handicap accessible, and the people she works with help her out, too. Ms. Hall noted that with Mr. Austin, she had a file cabinet that she could not put together that locked and everything. She stated she mentioned this, and Mr. Austin noted that he would put it together. Ms. Hall advised that she went and picked him up one day, and he brought all his tools in his box, and he put the file cabinet together for her. She noted that Mr. Austin has no idea how much that she appreciates what he did. Ms. Hall remarked that Brain Injury Services is there to help and there to be a support within the community. She indicated that they also try to identify the things that the person needs, for example, Mr. Austin had some teeth that were hurting him really bad, and they could not get into the free clinic at Bland in order to get the teeth worked on because they do not do fillings. Ms. Hall advised that Mr. Austin's income is very, very limited, and so she put in a request with Brain Injury Services to help Mr. Austin with getting some of his teeth fixed. She noted he was grinding his teeth at night, and that was causing him to have bad teeth, and he needed them fixed. Ms. Hall remarked that as his teeth hurt, it caused pressure on his brain. She stated what they did is Mr. Austin set up an appointment with the dentist, and Brain Injury Services has a small fund that the different case managers can apply to use and get money from the fund to get what the clients need. Ms. Hall advised that Brain Injury Services helped get Mr. Austin's teeth fixed. She noted she is seeing this grow. She pointed out when she first came to Wytheville, Mr. Austin was the only client she had, and, currently, as far as just the Town of Wytheville, she has five clients, and then she has one client who is pending who is a new referral that she has not spoken to yet. Ms. Hall noted that within those few months, the Council can see how this has grown, and pointed out that she is sure it will continue to grow. She stated she would like to invite each of the Council members

to their open house, and it will be held May 18 from 12:00 noon to 5:00 p.m. Ms. Hall advised that the open house is going to be catered, and there will be good food to eat.

Ms. Hall indicated that at this time, she would like to introduce the Council to another one of her clients, Ms. Jackie Edwards. Mayor Crewe thanked Ms. Edwards for attending the meeting. Ms. Edwards noted she knew Ms. Hall from her other job. She stated that first off, this year, she has gone through some kind of trials and things. Ms. Edwards explained that she has cysts on her head, and it was causing her head to hurt real bad, and she had real bad headaches. She stated that two weeks ago, Ms. Hall came and took her to her doctor and had them removed. Ms. Edwards commented that her head still hurts some, and Ms. Hall has arranged for her to have tests done on her head, but that has not been done yet. Ms. Edwards noted she thinks the things they all do really help out people. Mayor Crewe thanked Ms. Edwards for attending the meeting and addressing the Council.

Ms. Hall noted that at this time, she would like to introduce Marcia Tabor and her husband, Butch Tabor. Mayor Crewe thanked the Tabors for attending the meeting. Ms. Marcia Tabor stated because she can't remember things, she has to write down what she wants to state. She indicated that she was a normal person with a job, and that she is a mother and a grandmother. She advised that she enjoyed her life and family very much, but for some reason, her whole life changed. She stated that on Sunday, August 6, 2006, she had left her parents' home in Rural Retreat at 5:00 p.m. in the afternoon and was headed back to Wytheville to her apartment when she had a bad car wreck at 6:00 p.m. on Route 11. Ms. Tabor explained that she was airlifted to Roanoke Memorial Hospital, and she was unconscious and knew nothing until she woke around 3:00 a.m. the next morning in the ICU unit. She remarked that her parents were standing over her, and she heard music in her room, and she thought it was the angels singing. Ms. Tabor advised that she thought she was dead. She indicated that the nurses had to convince her that what she heard was the radio, and remarked that she felt like she was floating above everybody. Ms. Tabor stated she had suffered severe damage, and her brain was hemorrhaging. She noted that her left eye is damaged, and she cannot open it all the way, and she has a blind spot. Ms. Tabor remarked that she is really self conscious about it. Mayor Crewe noted he could understand that. Ms. Tabor advised that her balance is bad, and she spent a month in Roanoke Memorial Hospital, and a half month in Roanoke Rehab. She indicated that she was released to her mother's care and stayed with her until the last of December when she got reunited with her husband. She stated she was put under the care of Dr. Ralph Brown, in Radford, Virginia, because it was closer to Wytheville than Roanoke. Ms. Tabor advised that she also visits the free clinic in Wytheville. She explained that when she first came to her mother's house, her mother indicated that she was like a seven or eight year old little girl. She noted she was happy and felt more secure to have them all. Ms. Tabor commented that she is back in her own apartment, and Ms. Hall calls to check on her. She stated she still falls around and sometimes feel insecure, but it is wonderful to know that she can call Ms. Hall when she needs to, and she will come to her apartment in a few minutes to help her. Ms. Tabor pointed out that it gives her mother a relief to know that Ms. Hall is in Wytheville close by to help her. She advised that she is still under Dr. Ralph Brown's care in Radford, but it is far to go and she needs to get a ride there each time. Ms. Tabor remarked that Ms. Hall has taken her to the free clinic. She stated that she has high blood pressure, and Ms. Hall bought her a blood pressure cup so she can keep watch on her blood pressure. Ms. Tabor indicated that Ms. Hall asks her if she needs anything and if she is alright when she calls her. She noted that Ms. Hall has been there for her when she was having a spell of depression. She remarked that it feels so good to have Ms. Hall there when she needs her, and noted that her parents and husband are relieved and thankful for Ms. Hall, also. Ms. Tabor indicated that the doctor said it will take one year to two years for her to improve as much as she is going to. She remarked that she really appreciates and needs Ms. Hall to be there for her, and advised that she is thankful to God for putting Ms. Hall in her life. Ms. Tabor thanked the Council for listening to her comments. Mayor Crewe thanked Ms. Tabor for attending the meeting. He congratulated Ms. Tabor on the progress she has made.

Mayor Crewe advised that he knows he speaks for the Council. He noted he did not tell Ms. Edwards, but the Council congratulates her on the progress she has made. Mayor Crewe indicated that he knows it is difficult to stand up and speak in public and to a group, and remarked that everyone has done very, very well. He thanked them for attending the meeting, and reiterated that the Council congratulates them on what they have done and looks forward to what they will be able to do. Mayor Crewe reiterated his thanks to them for attending the meeting. Mayor Crewe noted so that Ms. Butler understands the process, the Council is in the process, obviously since Ms. Butler is attending the meeting, of putting the budget together. He pointed out that, as usual, the Council has a lot more requests and needs than there is money to fund. Mayor Crewe advised that this request will be considered as the Council is going through this process. Ms. Butler thanked the Council for considering their request. Mayor Crewe thanked them for attending the meeting and congratulated Brain Injury Services for the good work they have been able to do. Mayor Crewe thanked everyone for attending the meeting and

advised that they are welcome to stay for the remainder of the meeting or they can leave, whichever they desired. He reiterated his thanks to them for attending the Council meeting. Councilman Jones inquired if Brain Injury Services rents their office where it is now located. Ms. Butler advised that is correct, and advised that they rent their office from Mr. Bill Smith. Ms. Butler inquired if there are any other questions. Mayor Crewe advised that he did not mean to cut the Council off. Councilman Jones indicated that he only wanted to know if they owned or rented their office. Mayor Crewe reiterated his thanks to the Brain Injury Services representatives for attending the meeting and stated the Council wishes them well.

Mayor Crewe recognized Ms. Tammy Baker who stated that this is her second time attending a Council meeting, and it has been several years since she has attended the Council meeting regarding this matter. She explained that on April 7 while in the performance of his duties, and noted that her husband is a mailman, he was bitten by a dog. Ms. Baker advised that granted, this is the second time he has been bitten, and noted she is not counting the ankle biters and pants pullers and all the little, bitty dogs he never says anything about other than to kind of shove them away. She noted that her husband is kind hearted, and he does not want to see anybody hurt. Ms. Baker advised that frankly, she does not want to see her husband hurt anywhere. She commented that nowhere in the Town's dog ordinance does it state the fine or the ticket that will be issued if someone is bitten by an animal that is out of control. Ms. Baker noted that the lady was in the yard with her dogs, and two of them came barreling at her husband when he was trying to deliver her mail. She stated the dogs chased him all the way out into the street off the property. She remarked that while he was trying to get his dog spray out to spray the one dog, the other dog went behind him and bit him. Ms. Baker noted that it resulted in him spending four and a half hours in the emergency room waiting to see a doctor. She pointed out that luckily, these dogs had their shots. Ms. Baker advised that her husband was told by the Town's Animal Control Officer that the dogs had their shots, and the owner provided the papers, but she did not have tags for the animals. She noted that she talked to the Animal Control Officer today, and he advised her that the animals do have tags and they did have their shots. Ms. Baker noted that every time there is a dog bite reported to the emergency room, they have to report it to the Health Department. She indicated that the Health Department contacted her, and those dogs were confined for 10 days, and their 10 days were up Tuesday, and the dogs are fine, thank God. Ms. Baker noted that there was not a ticket issued. She advised that the woman was yelling for her dogs to come back, and they did not come back. She continued that the dogs had "tunnel vision" and they wanted to bite somebody, and that somebody was her husband. Ms. Baker reiterated that the woman was not ticketed. Ms. Baker remarked that they were not ticketed at the Animal Control Officer's discretion because he considered it an isolated incident. She inquired as to how many incidents are isolated. Ms. Baker pointed out that summer is coming, and the animals are out. She advised that she is a pet owner, and noted that she loves her pets, but advised that she keeps them on her property. Ms. Baker remarked that the kids are going to be out, and they are going to be playing. She stated that some of these kids are going to be small children. Ms. Baker inquired as to what it is going to take to get the enforcement of this policy. She noted that there are prices in the ordinance for tags, prices if a person's animal is confined and how much it costs to get it out, but nowhere in the ordinance does it state if someone's animal bites somebody that the animal owner will receive a ticket and will pay a fine. Mayor Crewe stated that he will address this three different ways, and remarked that anyone can comment and he is responding from his recollection of this ordinance. He noted that this is not an official Council answer, and any Council member can state anything they want. Mayor Crewe remarked that the first thing Ms. Baker stated is the policy is not working. He stated he thinks the policy does work, but it did not work the way Ms. Baker wanted it to work, but noted it is working. Mayor Crewe continued that the penalty for violating the ordinance is set by the court, so that is up to a judge and not up to the Town Council. He stated that, obviously, it allows for a minor incident and a minor fine, and a large incident and a larger penalty kind of thing, and this is why it is this way and it is dictated by State law. Mayor Crewe noted the other thing is about the discretion, and noted he does not know but he knows what Mr. Baker is telling him, which is that the dogs were on the owner's property and she was with them, and then they chased Mr. Baker out into the street when he started on their property to deliver the mail, and then the dogs left the property in pursuit of him. Mayor Crewe pointed out that this is where the discretion of the Animal Control Officer comes in. He stated that there is case law in Virginia that basically states there will be dogs entitled to one bite unless it is known to be a vicious dog or it has bitten somebody before or it has exhibited some kind of vicious tendencies. Mayor Crewe indicated that if the dog is vicious, this is a whole different issue than a one time incident. He stated this is why he thinks the explanation of being an isolated incident is being addressed. He stated that apparently, this dog had not given anybody any trouble before that anybody knows about. Ms. Baker interjected that this is because the dog is not out during the day, and he is usually out on the weekends, and this was a Saturday that this incident occurred. Mayor Crewe remarked that he did not know the history of this, but that is what the officer, obviously, was looking at, and if it happened every single day. He noted that this is part of the policy and that is part of what goes into the whole process. Ms. Baker stated that the Animal Control Officer has made it kind of clear in a way that he is not going to write a

ticket. She noted that the last one that got bitten, and advised that this has been recently, was thrown out because of the fact that it was marked as a cat bite and not a dog bite. Ms. Baker pointed out that there are confirmed rabies cases according to the Health Department. Mayor Crewe stated that the Town is aware of that. He explained that he is unaware of a case in a domesticated animal, and noted he is aware of one with a skunk and aware of one with a raccoon in Wythe County. Ms. Baker inquired if the ordinance could not be amended, and if it is at the Animal Control's discretion, he could at least issue a ticket to get people to do something to confine the dog. She inquired as to what if this had been a child. Mayor Crewe indicated that the answer to that is the Health Department process because that goes "hand in glove" that if there is a bite, the Town has to notify the Health Department, and the Health Department has to take some steps. He stated all of this is set by State law and it is an entire procedure. Mayor Crewe remarked that then a person cannot get a tag, obviously, and advised he knows Ms. Baker lives outside of town, but the town is the same as the county, and a person cannot get a tag unless the dog has its shots and has the rabies vaccination, and then the tag can be obtained. Ms. Baker inquired that if the dogs are out, can they not be on a leash, on a chain, or in a fenced yard. Mayor Crewe stated no because State law allows this, but it also allows under the owner's control. He remarked that if they are off the owner's property, the dog has to be under the owner's control, and that includes a verbal control, the way the State law is written. Ms. Baker noted that the verbal control was not very good. Mayor Crewe indicated that he can understand this. Vice-Mayor King inquired as to what kind of dog this is. Ms. Baker answered that the dog was some kind of spaniel dog, and this is all she knows. She continued that the owner had two of them, and then there were also two on a leash and then the two running loose. Ms. Baker remarked that the two that were running loose chased her husband, and he was trying to get them off of him. She noted this is not the first time it has happened. Ms. Baker pointed out that she is concerned about the kids, and she is concerned about her husband, and she would like to at least have him around when he is retired. Mayor Crewe indicated that in case everyone does not know this, Ms. Baker is also a mail carrier. She stated that is correct, and she knows exactly which dogs to avoid and which dogs not to avoid, but remarked that she is in a vehicle all day. Mayor Crewe indicated that Ms. Baker has a rural route, so she is driving rather than walking. Ms. Baker commented that in the 15 minutes she spent with her son just going through part of her husband's route, and this does not include other routes in town, and noted she has spoken to some of the others and she has looked at some, but she found nine places where the dogs were outside, not on a leash, not confined, and no owner in sight. Mayor Crewe inquired if this was reported to either the police or to the postal authorities because there are several different remedies there. Ms. Baker remarked that they have reported several things, but her thing is the Animal Control Officer, and noted that she knows the man may be busy, but inquired if he does not ride around town and tell people that their dog is loose or this dog is out and for the owner to get the animal back on his/her property, and, if not, pick the dog up and take it in. Mayor Crewe noted that the Animal Control Officer does tell people that their dog is loose. Town Manager Sutherland remarked that to follow up on that, just because the owner is not present and someone sees a dog on that property, it does not mean it is in not under the control of the owner. Vice-Mayor King indicated that there are the electric fences that are put in the grass. Ms. Baker pointed out that these did not have electronic fences. Councilman Jones stated that right behind where he lives, his neighbor's dog does not go out of the yard and he does not have an electronic fence, but the dog does not go out of the yard. He noted he wished he could teach his dog to do that. Ms. Baker remarked that this is the thing, and not all dogs are like that. She explained that when a dog gets one thing in his sight, and just like when a dog is chasing a deer and a person could yell for three days, the dog is not going to stop until he gets it out of its system. Ms. Baker inquired if the Town Council could not please try something. Mayor Crewe remarked that he guesses the only thing he can tell Ms. Baker is that the Council can, certainly, consider it, and both Committees can look at it, at least where the Town ordinances are concerned. Ms. Baker stated that the Council could get the Animal Control Officer to write a ticket or do something. She noted the last time that it went to court, they told the owners to pen the dog and to keep it under control. Ms. Baker pointed out that in the month's time that it took them to take it to court, and they did issue a ticket that time and it was not the same Animal Control Officer, and from the time they ticketed the owner and it went to court, in that month, that dog came after her husband three more times. Mayor Crewe inquired if this was brought out in court when it went to court that time. Ms. Baker answered that it did not matter, and the owners bought a little, tiny leash for a big dog, but that was the court's decision. Mayor Crewe noted that this was the judge's decision. Ms. Baker stated that is correct, but, the owner put the dog in a little, bitty chicken wire fence pen. She reiterated that during that month's time, the dog still ran loose. Ms. Baker noted that something needs to be adjusted, and something needs to be done. She requested the Council to enforce the ordinance or find somebody who will enforce it. Mayor Crewe indicated that his answer is that the Town is enforcing the ordinance, and like he stated, the process and the policy is working, but it may not have worked the way she wanted it to. He stated it may take awhile to go to court, and it may be that the judge throws it out or does not give as much of a punishment. Ms. Baker pointed out that the Animal Control Officer did not issue a ticket and stated that he was not going to. Mayor Crewe stated that this is part of the whole process, and noted that Ms. Baker is losing the fact

that a very important part of that is the Health Department, and the owner has to prove that the animal has already been vaccinated if they have not found the records and the owner has to produce the records, but the dogs can be quarantined, and, obviously, that is what happened in this case. Ms. Baker advised that the dogs had their shots, but they were also made to be quarantined for 10 days. Mayor Crewe indicated that this was a little unusual, and normally if the dogs have their shots, they are not quarantined. Ms. Baker indicated that they get conflicting stories between that they did or did not have tags, but the lady did bring the shot records, and, at least, they were safe on that part. Mayor Crewe noted that Town Attorney Kaase is indicating that Ms. Baker can go straight to the magistrate and take whatever charges they want to as well. Ms. Baker indicated that she did not want to do that to somebody, and she did that one time and all she got was grief over it. Mayor Crewe noted that it happens. Ms. Baker indicated that it got the dog confined, and it got the dog penned, and the owners knew. She showed the Council how big the bite was at that time. Mayor Crewe remarked that he hopes Mr. Baker is doing better. Ms. Baker indicated that other than the shots he had to take, there were the four and one-half hours he spent waiting to see a doctor, the hassle, and now all the paperwork and everything. She reiterated that all she is asking is for the Council to review the policy and make a rule that if a dog bites someone, they automatically get a ticket. Mayor Crewe indicated that he does not think the Town has the authority to do that. He noted it is like, for example, stating everyone is driving 26 MPH, and the police officer has to give them a ticket, and the Town cannot enforce that. Mayor Crewe advised that, in fact, it is not up to the Town Council to do this, so there has to be some officer's discretion involved. He noted the Council can review the ordinance, and they certainly will. Ms. Baker pointed out that she is not stating to give a ticket for a dog being off the property, but if it bites someone. Mayor Crewe noted that, there again, even if it is a bite, there are instances just like Ms. Baker was talking about where the judge threw out the case, and the judge did not think it was important enough, or bad enough, or egregious enough. He pointed out that this is why the system allows for different people to interact as it goes through so there are several opinions on it. Mayor Crewe indicated that it does not allow for Town Council's opinion because a charge must be placed, and it is within the discretion of the officer. He noted this is true of any criminal offense. Mayor Crewe reiterated that the Town Council will review the ordinance, and noted he hopes everything is going well, and he thanked Ms. Baker for attending the meeting. Ms. Baker noted that this is all she is asking for, and this is all she wanted. She thanked the Council for listening to her comments. Mayor Crewe thanked Ms. Baker for attending the meeting and advised that he hopes all goes well.

Mayor Crewe indicated that the Lowders are attending the meeting, and advised that he did not know if they desired to address the Council or not. He thanked them for attending the meeting and inquired if they needed to address the Council. Mr. G. W. Lowder advised that they did not desire to address the Council.

Mayor Crewe remarked that the Council is also glad to have Mr. Bill Smith attending the meeting as well.

Mayor Crewe inquired if there were others who desired 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. Both Council Committees will meet this week on their regular day and time. This week, the Council will probably want to make a decision about the Council Committees meeting next week. It is the fifth week of the month, and, normally, the Council Committees do not meet. Town Manager Sutherland advised that he will be gone the following week, and possibly the Council Committees could meet next week and not the first week in May. He noted that the Council Committees can discuss this at their meetings this week.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, reported that later in the meeting following the conclusion of the regular meeting of Council, the Council will have a brief budget work session to review projections that have been generated thus far for both revenues and appropriations for the budget for fiscal year 2007-2008. He stated that as the Committee reported earlier, it would appear there are some modest increases in taxes due to growth, but, generally, there are no other additional revenue streams. Councilman Jones advised that the Committee would note it appears that the Town's revenues from the Commonwealth of Virginia will be maintained during the coming year. He pointed out that there has been some question until the General Assembly was adjourned, as to what level of funding the State would provide

for the next budget cycle. Councilman Jones indicated that finally, the Committee would note that the Town has not, as yet, received the reassessment information from Wythe County. He stated that until this information is received, the Council cannot begin to discuss the real estate tax rate for the coming year. Councilman Jones stated that the Committee would note that the first reading of the budget is scheduled for the first Council meeting in May, but the Council does have some flexibility in the original time schedule. He advised that depending on the availability of certain financial information, the first reading of the budget may or may not occur at the May 14 meeting. Councilman Jones explained that this would merely mean that the entire adoption schedule would be moved forward two weeks.

Councilman Jones also reported that later in the meeting, the Council will consider an amendment to the Town Code regarding the license fees for itinerant vendors, also known as peddlers. He advised that the revisions to this ordinance were determined to be needed when a couple of months ago, a peddler had two locations where he was selling goods and wares, but only paid the one time \$500 license fee. Councilman Jones indicated that at that time, the Council noted that they thought this was not equitable to local merchants and that peddlers who had multiple locations should pay multiple peddler's license fees. He stated the ordinance that will be considered at this meeting will, in fact, maintain the \$500 payment for peddlers, but will also make provisions for additional fees for additional types of peddler activity. Councilman Jones advised that assuming that the Council is comfortable with these proposed regulations, the ordinance could be adopted on first and final reading. He stated, however, since there is no particular hurry in adopting these regulations, it could go through at least two, or possibly, three readings if the Council desires. 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, reported that this past week, the Virginia Department of Transportation released the Tier One Final Environmental Impact Statement for the Interstate 81 Corridor Improvements Study. He explained that this document is approximately one hundred pages long and describes in detail all of the factors that must be considered when making improvements to the I-81 Corridor throughout Virginia. Councilman Weisiger noted that in addition, this impact statement also discusses the potential to add certain railroad services along the Corridor in an effort to eliminate the volumes of traffic on I-81. He advised that the study notes that all the information contained therein is conceptual and does not constitute a commitment on the State's part as to the final decisions that will be made with regard to I-81 Corridor improvements. Councilman Weisiger stated that the Town has not had the opportunity to review this document in detail, but the Committee does note that there are certain common features in this document that have been present in previous environmental impact statements. He advised that first, it does note that the existing concurrent corridor of I-77 and I-81 at Wytheville would necessarily be changed into two separate corridors. Councilman Weisiger noted that this has been a topic that has been discussed for many years, and the Town has known for some time that the State felt it was best to separate these two corridors. He stated that the Council took a position some years ago noting that it did not oppose the separation of the two interstates provided that whatever separation was ultimately determined to be used would not negatively impact Wytheville or Wythe County and that any proposed separation would be minimal. Councilman Weisiger indicated that the Town is going to review this document in more detail to determine if the Town needs to have its statewide elected officials and transportation consultants involved in future responses. He noted that since the document was just released last week, there will, no doubt, be public meetings scheduled sometime in the future by the Department of Transportation to provide the public with an overview of their findings. Councilman Weisiger stated there is no action required of the Council at this time, but the Committee did want to make everyone aware that this final environmental impact statement had been issued by the Virginia Department of Transportation. Mayor Crewe advised that there is a link to this document on VDOT's web page. He stated he would encourage everyone to read the document. Mayor Crewe pointed out that the executive summary is 19 pages, and it is rather wordy. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: ORDINANCE NO. 1214 – PEDDLERS/ITINERANT VENDORS

Mayor Crewe presented Ordinance No. 1214, an ordinance amending and reenacting Chapter 7, Licenses and Business Regulations, Article II. Business and Professional and Occupation Licenses, Section 7-52, Retail Sales, of the Code of the Town of Wytheville, Virginia, regarding peddlers/itinerant vendors, on first reading. He noted this ordinance was recommended by the Budget and Finance Committee to cover the peddlers and itinerant vendors. Mayor Crewe stated if he understands the motion from the Committee, it is to approve the ordinance on first, but not yet final, reading, and inquired if that was the motion. Vice-Mayor King advised that she thinks they want to adopt the ordinance on first and final reading. A motion was made by

Councilman Jones and seconded by Vice-Mayor King to suspend the rules and adopt Ordinance No. 1214, an ordinance amending and reenacting Chapter 7, Licenses and Business Regulations, Article II. Business and Professional and Occupation Licenses, Section 7-52, Retail Sales, of the Code of the Town of Wytheville, Virginia, regarding peddlers/itinerant vendors, on first and final reading. Mayor Crewe inquired if there is any discussion on the motion. He stated he has one question at the bottom of the first page where it is being imposed upon every itinerant vendor, and the last paragraph states, "selling new furniture, televisions...." He inquired regarding a vendor selling used furniture. Town Manager Sutherland indicated that he never thought about that. Mayor Crewe suggested that the word "new" be struck, and the ordinance would state, "selling furniture, televisions...." Vice-Mayor King advised that it could state "new or used." Mayor Crewe inquired if it means new furniture, new televisions, etc. He noted if the ordinance just refers to selling any of it, and the word "new" is taken out, he thinks it would help with that and inquired if that is correct. Mayor Crewe noted unless there was some reason to limit it to new things. Town Manager Sutherland advised that there was no reason to limit it to new items. Mayor Crewe advised that he did not see it the first time he read the ordinance, but he saw it when he read it again. He noted he will entertain a motion to amend the regular motion to strike the word "new" in paragraph 7-52 (a)(1). A motion was made by Councilman Jones and seconded by Councilman Lambert to amend the regular motion to strike the word "new" from Section 7-52 (a)(1). Mayor Crewe inquired if there is any discussion on the amendment to strike the word "new." 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. Mayor Crewe noted the motion is to adopt Ordinance No. 1214 on first and final reading, as amended. He 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

Ordinance No. 1214 was adopted on first and final reading. Mayor Crewe noted that the ordinance is effective immediately.

RE: APPOINTMENTS – WILLOW BROOK JACKSON/UMBERGER HOMESTEAD MUSEUM ADVISORY BOARD

Mayor Crewe stated the next agenda item is notification of appointments to the Willow Brook Jackson/Umberger Homestead Museum Advisory Board to fill the expiring terms of Mr. Robert Kegley and Mrs. Jennifer Morin whose terms expire May 29, 2007. He stated that Mr. Kegley and Mrs. Morin are not eligible for reappointment, but can be reappointed, if there are no other qualified applicants, under the Town's procedures. Mayor Crewe indicated that anyone who is interested needs to submit an application. He advised that ordinarily, the Council would make those appointments at the May 14 meeting, unless someone wants to make a motion at this meeting. Mayor Crewe indicated that hearing no motions, he would assume the Council wants to wait to make the appointments at the May 14 meeting. Councilman Weisiger advised that is correct.

RE: RESCHEDULING OF MEETING

Mayor Crewe stated the next agenda item is to consider rescheduling the meeting of Monday, May 28, 2007, to Tuesday, May 29, 2007, due to the Memorial Day holiday. He inquired if anyone has any objections to meeting on Tuesday, May 29, 2007. There being no objections, it was the consensus of the Town Council to reschedule the meeting scheduled for Monday, May 28, 2007, to Tuesday, May 29, 2007.

RE: PLANNING COMMISSION RECOMMENDATION – RETAINING WALLS

Mayor Crewe stated the next agenda item is to consider the recommendation of the Planning Commission regarding an amendment to Article XVI – General Provisions, by adding Subsection 16-17, Retaining Walls, of the Town of Wytheville Zoning Ordinance. He inquired if anyone has any objections to scheduling a public hearing to consider this matter at the May 14, 2007, Council meeting at 7:00 p.m. There being no objections, it was the consensus of the Council to schedule a public hearing for the May 14, 2007, Town Council meeting to consider an amendment to Article XVI – General Provisions, by adding Subsection 16-17, Retaining Walls, of the Town of Wytheville Zoning Ordinance. Vice-Mayor King advised that she noticed the new

bank's retaining wall was going up today. Mayor Crewe noted he also noticed the wall being built.

RE: PLANNING COMMISSION RECOMMENDATION – THE FAIRFIELD GLADE COMPANY SUBDIVISION

Mayor Crewe stated the next agenda item is to consider the recommendation of the Planning Commission regarding the request of The Fairfield Glade Company for final approval of the subdivision of property located on the north side of North Fourth Street between Stafford Umberger Drive and Tremough Drive in an R-3 Residential District. He noted it has been before the Council, and preliminary approval has been granted. He noted they are back before the Council requesting final approval. Mayor Crewe indicated that the Council can see that the Planning Commission has recommended that it be approved with the fourteen stipulations specified in their recommendation. He inquired if the Council wanted to act now or wait until these items are addressed. A motion was made by Councilman Jones to accept the recommendation from the Planning Commission to approve the request of The Fairfield Glade Company for final approval of the subdivision of property located on the north side of North Fourth Street between Stafford Umberger Drive and Tremough Drive in an R-3 Residential District with the following stipulations: (1) Subject to final technical compliance with the Town's ordinances; (2) Street names need some revisions to avoid conflicts with other 911 names; (3) Erosion and sediment control information has not been submitted; (4) It is our opinion that, at a minimum, stormwater detention for the impervious surfaces (streets) should be provided based on the Town's Impervious Area Stormwater Ordinance. (Beginning in Section 10-84); (5) We noted that several lots have a majority of their land area in the floodplain, and while this may not be prohibited by federal and state regulation, we think that the sale of these lots may be questionable without full disclosure to the buyer(s); (6) We have noted that several of the lots have been reconfigured from the "preliminary sketch" approval. Some are improved but some still have rather unique configurations. We would suggest that several housing types be checked to see that they will reasonably fit on the sites with the required setbacks. We are especially concerned with lots with excess frontage, and corner lots; (7) We have found only limited utility easements. We will require more detailed utility easements for water, sewer, and stormwater as well as electric, CATV, gas, etc. If these are not planned generally in the subdivision, we will require that water, sewer, stormwater, electric, gas and CATV utilities be shown, and utility easements be shown for these. Water and sewer easements should be provided on the lots where lines run very close to the property lines. The water, sewer, and stormwater easements not on the rights of way should have widths of at least 20'; (8) We have reviewed the water system proposed and noted that the design provides for a 500 gpm fire flow for two hours. Our experience with VDH is that design parameters will require higher flows and for a longer period (1500 gpm for three hours). Of course, VDH approval of the system will be required before final technical compliance of the subdivision; (9) Water and sewer laterals are not shown; (10) Street lights are not shown; (11) Several street profiles show grades steeper than 10 percent. Grades exceeding 10 percent must be approved by VDOT. We ask that this be reviewed to see if the grades can be reduced; (12) Intersections do not meet VDOT subdivision grade requirements. Intersections must have a landing, a minimum of 50 feet in length, and have a maximum vertical grade of 2 percent (Section B-4 (D) Intersections); (13) There is an existing structure shown on the plans that will need to be removed before lots are sold; (14) Staff also has some comments for minor revisions to the proposed phasing plan, but generally it appears reasonable and acceptable. (Town staff report also noted that this subdivision was being approved with the requirement for curb and gutter being waived.) Mayor Crewe stated he did not think any of these stipulations would be a problem for Mr. Bill Smith. He advised that the Council will be glad to hear from Mr. Smith, if he desired to address the Council. Mayor Crewe indicated that he is just stating his assumptions. Mr. Smith stated he will be glad to answer any questions. He advised that the subdivision is being nicely done by Lane Engineering. The motion was seconded by Councilman Weisiger. 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: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:45 p.m.).

Trenton G. Crewe, Jr., Mayor

BUDGET AND FINANCE COMMITTEE REPORT

APRIL 23, 2007

1. Later this evening following the conclusion of the regular meeting of Council, we will have a brief budget work session to review projections that have been generated thus far for both revenues and appropriations for the budget for fiscal year 2007-2008. As we have reported earlier, it would appear that there are some modest increases in taxes due to growth, but, generally, there are no other additional revenue streams. We would note that it appears that our revenues from the Commonwealth of Virginia will be maintained during the coming year. There has been some question until the General Assembly was adjourned, as to what level of funding the State would provide for the next budget cycle. Finally, we would note that we have not, as yet, received the reassessment information from Wythe County. Until this information is received, we cannot begin to discuss the real estate tax rate for the coming year. We would note that the first reading of the budget is scheduled for our first Council meeting in May, but we do have some flexibility in the original time schedule. Depending on the availability of certain financial information, the first reading of the budget may or may not occur at the May 14 meeting. This would merely mean that the entire adoption schedule would be moved forward two weeks.
2. Later this evening, the Council will consider an amendment to the Town Code regarding the license fees for itinerant vendors, also known as peddlers. The revisions to this ordinance were determined to be needed when a couple of months ago, a peddler had two locations where he was selling goods and wares, but only paid the

one-time \$500 license fee. At that time, we noted that we thought this was not equitable to local merchants and that peddlers who had multiple locations should pay multiple peddler's license fees. The ordinance that will be considered this evening will, in fact, maintain the \$500 payment for peddlers, but will also make provisions for additional fees for additional types of peddler activity. Assuming that the Council is comfortable with these proposed regulations, the ordinance could be adopted on first and final reading. However, since there is no particular hurry in adopting these regulations, it could go through at least two, or possibly three, readings if the Council desires.

Jacqueline K. King

John W. Jones, Jr.

PUBLIC WORKS COMMITTEE REPORT

APRIL 23, 2007

1. This past week, the Virginia Department of Transportation released the Tier One Final Environmental Impact Statement for the Interstate 81 Corridor Improvements Study. This document is approximately one hundred pages long and describes in detail all of the factors that must be considered when making improvements to the I-81 Corridor throughout Virginia. In addition, this impact statement also discusses the potential to add certain railroad services along the Corridor in an effort to eliminate the volumes of traffic on I-81. The study notes that all the information contained therein is conceptual and does not constitute a commitment on the State's part as to the final decisions that will be made with regard to I-81 Corridor improvements. We have not had the opportunity to review this document in detail, but we do note that there are certain common features in this document that have been present in previous environmental impact statements. First, it does note that the existing concurrent corridor of I-77 and I-81 at Wytheville would necessarily be changed into two separate corridors. This has been a topic that has been discussed for many years, and we have known for some time that the State felt that it was best to separate these two corridors. Also, the report does note that there will necessarily need to be interchange improvements in and around Wytheville if the interstate corridor improvements are performed. The Council took a position some years ago noting that it did not oppose the separation of the two interstates provided that whatever separation was ultimately determined to be used would not negatively

impact Wytheville or Wythe County and that any proposed separation would be minimal.

We are going to review this document in more detail to determine if we need to have our statewide elected officials and transportation consultants involved in future responses. Since the document was just released last week, there will, no doubt, be public meetings scheduled sometime in the future by the Department of Transportation to provide the public with an overview of their findings. There is no action required of the Council at this time, but we did want to make everyone aware that this final environmental impact statement had been issued by the Virginia Department of Transportation.

William B. Weisiger

H. Judson Lambert