

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JUNE 25, 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 Michael G. Stephens, Town Attorney Robert P. Kaase, Police Sergeant Joel Hash, Danny Gordon with WYVE/WXBX, Justin Harmon with Wytheville Enterprise, Janet Gordon, Richard Martin, Becky Grubb, Elizabeth Hogan, Wythe Albert, Agnes Eades, Mike Melton, Larry Flaig, Larry Edwards, Robert G. Melton, Andy Fowler

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 June 11, 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 June 11, 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: PUBLIC HEARING – BUDGET AMENDMENTS

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider amending the line item in the budget for fiscal year 2006-07 for the Water Treatment Plant Department in the amount of \$200,000, and the Water/Wastewater Utilities Department in the amount of \$220,000. He noted this is for the current fiscal year that is in effect and ends this month. Mayor Crewe explained that these are end-of-the-year adjustments on the Water/Wastewater side of the budget and the Water Treatment Plant side of the budget. He inquired if there are persons present who wished to address the Town Council during this public hearing. Mayor Crewe indicated that he did not see anyone on the sign up sheets, but he wanted to give anyone who desired to speak the opportunity to do so. There being no one who desired to address the Council during the public hearing, he declared the public hearing closed.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period. He advised that most everyone who indicated they wanted to speak noted it was on the dog ordinance, which is on the agenda and will be discussed very soon. Mayor Crewe remarked that Mr. Wythe Albert and Mr. Larry Flaig had indicated that they desired to speak about the water situation with their bill, and this is not on the agenda. He noted that the Council will be glad to hear from them at this time.

Mr. Larry Flaig was recognized and stated he has a small problem. He noted he had a water bill with an amount he did not recognize and he did not know about a water leak whatsoever at his shop. He noted he has always paid his bill, \$20 per month, for six years. Mr. Flaig explained that he got this bill in the mail for \$500+. He stated he called the Town and asked if the water bill had gone up or why he had a bill for \$500. Mr. Flaig indicated he was told that this was for the water he used. He explained that he told the Town he has never used that much water the whole time he has been there in six years. Mr. Flaig advised that Town staff did some searching and checking, and they found he did not have a water leak. He noted the Town did the pressure checks over the weekend when the shop was closed, and there was no water leak. Mr. Flaig advised that Town staff was at his shop on Monday morning, and the lady next door came over and used the bathroom, and when she did, they found a stone stuck in the lever of the toilet that kept it running. He indicated that this was the first knowledge he ever had of this. Mr. Flaig noted they were trying to figure out how he got stones in his water. He stated he got to thinking, and last year, the Town tore up the road in front of the shop to repair a main leak that was in the middle of the road. Mr. Flaig noted that he has pictures of this with the road torn up. Mayor Crewe stated this is where Town forces had dug up the road, and advised that he thinks this

was in May 2006. Town Manager Sutherland stated he believes that is correct. Mr. Flaig presented a picture of the manhole where they took the entire meter and everything out, and noted it was all stripped out. He pointed out how large this hole is. Mr. Flaig explained that the Town drilled on it for three days to run a new line from the center of the road over to their meter, where it had erupted in the middle of the road. Mr. Flaig reiterated that the Town drilled for three days, and they filled in with stones, and they dug it out and drilled and drilled and drilled. He noted that the Town could not get through the rock. Mr. Flaig advised that what the Town did was run a copper tubing, smaller than the original line, through the old waterline, and then they hooked it all back up. Mr. Flaig stated that over a period of time, and advised that it is 75 feet from the road to the shop, then it turns and comes up 3.5 feet and comes to a shut off valve, goes back down in the ground, and goes to the toilet. He explained that their only water source is for the water hose, which is inside the building. He noted he got the notion that there were stones coming out of it, and did not think anything of it, until this water bill. Mayor Crewe stated that the toilet that Mr. Flaig has does not have a holding tank on it, but it is a commercial valve. Mr. Flaig stated that is correct, and it is a commercial set up, and it is a plastic lever, and every time someone hits it, it flips up, clears out, and comes back down. He noted that any stone that might have been in there, small or big, would have gone on through. Mr. Flaig stated for any new stone that would come up, the lever can catch it until the person hits the lever again, and then it would do the same thing. He noted it would not do it every other time or every time. Mr. Flaig explained that sometimes the stone gets lodged perfectly to keep it from shutting off. Mayor Crewe stated that this was about 8 months from the time the work was done until the high water bill was received. Town Manager Sutherland stated that is correct. Mr. Flaig indicated that they may use 700 or 800 gallons a month just to wash their hands and flush their toilet. He stated they do not have as much pressure as they used to because they went to a smaller line rather than the large line. Mr. Flaig noted that those stones or whatever would take time to travel through. Mayor Crewe inquired if Mr. Flaig's bill was paid current through May. Mr. Flaig advised that he was current all the time, and indicated that he has all of his bills. Mayor Crewe noted that the dispute arose, and the bill was paid in May and inquired if that is correct. Mr. Flaig stated he got his first bill, and he got his last bill. He presented to Council the first high water bill that he noticed. Mayor Crewe indicated that May 8 is the date of the bill. Mr. Flaig presented the current bill where the amount had gone down to \$20.72. Mayor Crewe explained that what Mr. Flaig showed him, so everyone will know, is a bill with a due date of May 8, 2007, and it shows \$321.98, and a bill with a due date of June 8, and it shows \$197.96, and then the due date of July 8 is \$20.72. Mayor Crewe advised that when the Town Council reviewed this, after the last meeting, they agreed to waive penalties, and the office had made some adjustment. He pointed out that he does not remember what the final number was, but it was adjusted based on what the Council Committees had decided. Mayor Crewe stated he did not know if this had been communicated to Mr. Flaig or not, but this is where the Committees are with this. Town Manager Sutherland requested Town Treasurer Stephens to correct him if he is wrong, but noted that Town Treasurer Stephens followed the procedure for adjustments and inquired if that is correct. Town Treasurer Stephens advised that is correct. Town Manager Sutherland advised that this is how Town Treasurer Stephens handled the matter, and pointed out that these circumstances may be different than a normal leak. Vice-Mayor King inquired if Mr. Flaig got the rock out and has not had any more problems. Mr. Flaig stated he has not had any more problems. Mayor Crewe noted that the bill has gone back to \$20.72. Mr. Flaig indicated that he cannot state if there are any more gravels down in there, but all he knows is there is 75 feet from where they dug it up to the shop, then it has to travel up three or four feet to the shut off valve, and then it makes a turn and goes to the inside spigot and to the toilet, which is 30 feet one way, and 40 feet the other way. Mr. Flaig pointed out that there could be other pebbles down in there. He stated the only thing they really use a lot is their inside spigot for washing off tires or something that gets spilled on a car. Mr. Flaig noted that this has enough to flush it out, but stated he does not know how many pebbles went the other way. Mayor Crewe pointed out that the current bill with the due date of July 8 shows 970 gallons consumed, and the one prior to that with the June 8 due date shows 21,900 gallons, and the bill before that with the due date of May 8 shows 38,380 gallons. He stated these are the two large bills. Mayor Crewe indicated that this is three or four times the amount of consumption as to the most current bill. He stated if he remembers correctly, when they reviewed the account that showed eight months to a year's worth of use, usually 1,000 gallons or less was about the typical consumption. Mr. Flaig pointed out that they do not use that much water because they do not wash cars, and they use a little water for radiators and things like that, but they do not use that much water. Mayor Crewe inquired as to the Council's pleasure on this matter and inquired if they wanted to review this again or to follow up on this and see where the Council is with this. Councilman Jones stated the Council could review the matter again. Vice-Mayor King advised that she agreed, and the Council could review it this week during Committee meetings. Mayor Crewe gave Mr. Flaig his bills back and noted that the Town has all this information in the computers. Mr. Flaig noted that he could leave the pictures if the Council desired. Mayor Crewe indicated that everyone has seen the pictures as well. He advised Mr. Flaig that the Council will review this matter. Mr. Flaig noted that they are watching this problem, and they shut the water off as much as they can, if they are gone on weekends, etc. He indicated that they keep a very

close eye on this, and if someone comes over next door to use their restroom, because the neighbors will not use their restroom, they go back and check and make sure the water is shut off. Mr. Flaig indicated that they know there is a problem, but they do not know how long they will have the problem. Mayor Crewe stated that Mr. Flaig did not know there was a problem until he got the bills. Mr. Flaig explained that he did not know anything about this problem until he got the first bill, and then they started finding out. He stated they got someone over to do pressure checks, and they could not find anything, until the lady went into the bathroom, and it stuck. Mr. Flaig stated if it had not stuck when the lady used the restroom, they still would not know about the problem. Mayor Crewe advised that the Town Council will review this matter and be in touch with Mr. Flaig. Mr. Flaig thanked the Council for their time. Mayor Crewe thanked Mr. Flaig for attending the meeting.

Mayor Crewe inquired if Mr. Wythe Albert still desired to address the Council or if Mr. Flaig's comments covered what he desired to discuss. Mr. Albert declined to speak. Mayor Crewe thanked him for attending the meeting, and noted that the Council will review the bills again and be in touch with them. Councilman Jones requested that Town Treasurer Stephens attend the meetings when this water bill is discussed. Mayor Crewe noted that the Council will need the account statement to review. Town Attorney Kaase inquired if the line needed to be flushed. Mayor Crewe stated that the Council Committees talked about this, and they did not think it could be flushed. Town Manager Sutherland indicated that Town staff will find out if the line can be flushed.

Mayor Crewe inquired if there are others who wished to address Council during Citizens' Period. There being none, he proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The Public Works Committee meeting scheduled for tomorrow, June 26, 2007, has been cancelled. The Budget and Finance Committee will meet on Thursday morning, June 28, 2007.
2. A topic that has been around for a month or so is the appointment of a member to the Smyth-Wythe Airport Commission. As the Council knows, the Wythe County Board of Supervisors had expressed some interest in changing the appointment procedure, whether it be a joint appointment, etc. or whatever kind of amendment the Council and the Board of Supervisors would like to do. Town Manager Sutherland advised that he talked with Wythe County Administrator Cellell Dalton today. There is an agreement that was written in 1991 that establishes who makes the appointments. That agreement was developed after the Town of Rural Retreat withdrew from the Airport Commission. The Town of Wytheville assumed the fees that the Town of Rural Retreat has normally been paying, and the Town of Wytheville started paying those, and, for this, the Town got the additional appointment. In general terms, the Wythe County Board of Supervisors pays about 66 percent, or two-thirds percent±, of the total assessment from the Airport Commission, and the Town of Wytheville pays about one-third percent. The potential is there for the Council, if they want, to amend how this appointment is made, and it would be amending the existing agreement. Town Manager Sutherland advised that County Administrator Dalton noted he did not think the Board of Supervisors would have any problem with the Town proceeding in making this appointment, and if the Council wanted to change the agreement, it could be changed in the future. There are two applications that Town Clerk Hackler has distributed, and indicated that he did not know if the Council wanted to act on this appointment at this meeting or not, but these are the applications that have been received. The Council can take action on this matter at their pleasure. Mayor Crewe inquired as to the pleasure of the Council and if they wanted to make the appointment at this meeting. Councilman Weisiger stated he would be inclined to change the agreement with the County and then make the appointment. Mayor Crewe inquired if someone else would like to do something differently. He stated this would not require a motion to do anything at this time, and the Council can continue to work on this matter. Mayor Crewe stated he did not hear any motions to do anything, so the Council will not act on this issue at this time pending the negotiations with the County to see how everything will be handled before they proceed.
3. Councilman Jones stated that Mr. Kenny Ervin, at the Planning Commission meeting, advised that the Council has to appoint one person from the Planning Commission as a member to the Board of Architectural Review. He indicated that Mr. Ervin has been serving in this capacity, and he would like to go off the Board of Architectural Review. Councilman Jones remarked that Mr. Ervin talked to Mrs. Linda DiYorio, and she is willing to be the representative from the Planning Commission for the Board of

Architectural Review. He stated he did not know if this requires any action by the Town Council, but if it does, he will make a motion that Mrs. DiYorio be the representative from the Planning Commission to serve on the Board of Architectural Review. Mayor Crewe inquired if the Council needed to check the dates and terms or if they could act on this. Town Clerk Hackler advised that this appointment runs with the term of the Planning Commission. The motion was seconded by Vice-Mayor King. 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. Mayor Crewe advised that the Council is glad to have Mrs. DiYorio serving on the Board of Architectural Review. Mayor Crewe inquired if the Town Council appoints the Board of Architectural Review members and not the court. Town Manager Sutherland advised that is correct.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, reported that later in the meeting, the Council will consider the proposed budget for fiscal year 2007-2008 on third and final reading. She stated that as the Committee has previously noted, there is not a concurrence among the Committee with regard to the proposed tax rate and certain other line items within the budget. Vice-Mayor King indicated, however, that the Committee does have certain recommendations on which they do agree and would offer to the Council for adoption. She stated that first, several years ago, the motel and meals taxes were increased, and the Council did this with the intent that the additional revenues would be used to pay the debt service on the new Community Center. She stated that to accomplish this, it is the Committee's recommendation that the Treasurer create a fund designated for Community Center debt service and \$5 million of reserve funds be placed in this designated fund. Vice-Mayor King remarked that secondly, it is the Committee's recommendation that the interest earned on the designated fund be used annually for a payment on the principal on the Community Center debt service. She explained that this additional annual principal payment will reduce the duration of the term of the loan. Vice-Mayor King noted that thirdly, the Committee would recommend that the budget be amended to the extent that it reflects the receipt of this revenue and the appropriation of these funds for the payment on the principal on the Community Center debt. She remarked that finally, the Committee would recommend that all funds designated for capital outlay on the appropriations side of the budget receive Council approval prior to being expended. Vice-Mayor King stated it would be the recommendation of the Budget and Finance Committee that these items be approved by the Council. A motion was made by Vice-Mayor King and seconded by Councilman Jones that the Council authorize the Town Treasurer to create a fund designated for Community Center debt service and \$5 million of reserve funds be placed in this fund; (b) the interest earned on this designated fund be used annually for a payment on the principal on the Community Center debt service; (c) amend the budget to the extent that it reflects the receipt of this revenue and the appropriation of these funds for the payment on the principal of the Community Center debt; (d) all funds designated for capital outlay on the appropriations side of the budget receive Council approval prior to being expended. Mayor Crewe stated the motion is that four things be done. He noted that if he is understanding correctly, it is one motion to do all four things. Vice-Mayor King stated that is correct. Mayor Crewe advised that the first part of it is the \$5 million in reserve funds be in a designated fund for the Community Center debt service. He noted the second part is that the interest on that designated fund be used annually to pay a principal payment on the Community Center debt service. He noted that the third part is that the budget be amended to show this revenue and the appropriations for the debt service on the Community Center. Mayor Crewe explained that the fourth part is that the capital outlay items on the appropriations side of the budget come before Council for approval prior to being spent. He noted this is the motion from the Committee with a second. 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 earlier in the meeting, the Council conducted a public hearing for the purpose of amending the fiscal year 2006-2007 budget in the amount of \$420,000 for two departments within the Water and Sewer side of the budget where expenditures exceeded appropriated revenues. She advised that in the course of closing the Town's financial statements for the year, it is necessary for the Treasurer to make certain adjustments in the departmental budgets. Vice-Mayor King explained that as such, it would be the recommendation of the Budget and Finance Committee that the budget amendment of \$420,000 be approved and, also, that the Council authorize the Treasurer to make line item revisions within the current budget transferring monies as necessary to balance each departmental budget. A motion was made by Vice-Mayor King and seconded by Councilman Jones that the Council approve the budget amendment of \$420,000, and that the Treasurer be

authorized to make line item revisions within the current budget transferring monies as necessary to balance each departmental budget. Mayor Crewe noted that there is a motion and a second from the Committee that the Council does two things which include appropriating the \$420,000 line item changes in this year's budget which is \$200,000 of this is on the Water Treatment Plant side, and \$220,000 of this is on the Water/Wastewater Utilities side of the budget. He noted that the first part of the motion is that the \$420,000 amendment be approved, and, secondly, that the Town Treasurer be authorized to make the line item revisions in the current budget to transfer this to make it balance. 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.

Vice-Mayor King also reported that earlier this year, the Town received a request from the Agape Food Pantry seeking tax exempt status for real estate from which they operate. She indicated that on May 22nd of this year, the Wythe County Board of Supervisors conducted a public hearing to consider the request for the exemption of real property taxes by the County. Vice-Mayor King remarked that the Board of Supervisors did, in fact, approve this exemption. She indicated that the Committee thinks the Agape Food Pantry serves a very valuable service to the community, but the Committee does not think it is necessary to provide tax exempt status. Vice-Mayor King stated it would be the Committee's recommendation that the Council continue to make a donation to the Agape Food Pantry in an amount equivalent to the real property taxes, but that the Council not proceed with a permanent tax exemption. Mayor Crewe advised that if he is understanding what the Committee is stating on this, they would recommend that no action be taken now because the Town does not need to change the ordinance to exempt the Agape Food Pantry from real estate taxes. He noted he would guess that the Council could make the contribution at this meeting, or the Council could wait until later in the year when the taxes are due. Mayor Crewe inquired if he is reading the Committee correctly in that they would recommend that no action be taken at this time. Vice-Mayor King stated they would recommend that the Council continue to make a donation to the Agape Food Pantry. Mayor Crewe remarked that if no action is recommended by the Committee, then there is no vote necessary unless someone disagrees and wants to make a contrary motion. He reiterated that the recommendation from the Budget and Finance Committee is to continue what the Town has been doing, which takes no additional action. Vice-Mayor King inquired if the Council needs it in the minutes to make the contribution when the taxes are due. Mayor Crewe noted that when the tax assessments come out, the Council will need to remind itself to put the donation on the agenda. 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, reported that during the past two meetings of Council, the Council has considered an ordinance that would prohibit animals, particularly dogs, from public parks and cemeteries. He stated that from all of the comments that the Town has received, the Council finds that there is complete agreement in prohibiting dogs from entering cemeteries. Councilman Lambert noted that at the last meeting of Council, it was suggested that the proposed ordinance be revised to the extent that it provides penalties for owners of pets that defecate in public places, though it does not prohibit these animals from entering public parks. He stated that the Council is willing to attempt voluntary compliance by these pet owners for some period of time. Councilman Lambert noted that as such, later in the meeting, the Council will consider an ordinance that prohibits dogs from entering the Town's cemeteries and, also that provides penalties for failure to clean animal waste from public parks. He stated that obviously, many persons enjoy the opportunity of having their pets with them in public parks, and the Committee feels that they must uphold the responsibility to clean after their animals. Councilman Lambert advised that as such, when this ordinance is considered later in the meeting, it would be the recommendation of the Public Works Committee that it be adopted. He stated the Committee would note, however, that the Town will continue to monitor the parks, and if pet feces continues to be a problem, the Committee will recommend that all animals be prohibited from public parks.

Mayor Crewe noted that several people had indicated on the sign up sheets that this is the topic of interest to them. He stated he is going to ask those citizens to hold their thoughts for a moment, and the Council will consider this ordinance a little later on the agenda. Mayor Crewe advised that this is the recommendation from the Public Works Committee. He noted that the Council will explain this a little better in a minute, but pointed out that this is different than what was in the ordinance at the last meeting. Mayor Crewe advised that he will come back to this, and noted that this is the recommendation from the Public Works Committee. He reiterated that the Council will consider the ordinance later in the meeting.

Councilman Lambert also reported that as everyone has noticed, the milling and paving of various town streets is underway. He noted that W-L Construction Company was awarded the contract, this year, and they began the process of milling various town streets last week. Councilman Lambert stated they have now completed their milling process and commenced the process of paving these streets on Thursday. He noted that the Town realizes there are certain inconveniences associated with the milling and paving process, but it is a necessary inconvenience if the Town is to keep the streets properly maintained. Mayor Crewe noted that everyone will be watching for the streets to be paved. He advised he did not think they got much paving done today, but, hopefully, they will be finished in a few weeks. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: ORDINANCE NO. 1216 – DOGS AND OTHER ANIMALS IN CERTAIN TOWN OWNED PROPERTIES

Mayor Crewe presented Ordinance No. 1216, an ordinance amending and reenacting Chapter 3, Animals, Article II. Cats and Dogs, by adding Section 3-26, Dogs and other Animals Prohibited in Town-owned Cemeteries, Exceptions by Special Permit, and unlawful to allow dogs and other animals to defecate on town-owned property, of the Code of the Town of Wytheville, Virginia, on third and final reading. A motion was made by Councilman Lambert and seconded by Councilman Weisiger to adopt Ordinance No. 1216, an ordinance amending and reenacting Chapter 3, Animals, Article II. Cats and Dogs, by adding Section 3-26, Dogs and other Animals Prohibited in Town-owned Cemeteries, Exceptions by Special Permit, and unlawful to allow dogs and other animals to defecate on town-owned property, of the Code of the Town of Wytheville, Virginia, on third and final reading. Mayor Crewe stated that so the record is complete and everyone knows, he will also reflect the fact that the Town has received at this meeting another sheet of the petition the Council had received before, but with several more signatures on it, which will be added to the minutes. Mayor Crewe noted he will also add to the minutes the e-mail that the Town received from Mr. Richard Martin, who is attending this meeting. He stated he also received an e-mail from Terry R. Peak that also will be added to the minutes regarding this issue. He stated to summarize where the Council is, the amendment that is coming from the Public Works Committee, with a second, is that the Council adopt this ordinance as amended at this meeting to make it effective immediately. Mayor Crewe explained that there are three big changes, he thinks, from the way it has been heretofore proposed, and there is no change in the cemeteries. He noted that the dogs and other animals will be prohibited from the cemeteries, and advised that this stays the same. Mayor Crewe pointed out that animals would not be prohibited from the parks, and they would be allowed in the parks. He stated that failure to clean up after the dogs and other animals, and not just dogs, would be a violation of this amended ordinance, if it is adopted. He noted the failure to clean up after the dog or other animal would continue to be a violation. Mayor Crewe stated that secondly, it imposes a higher penalty and makes it a Class IV Misdemeanor. He pointed out that these are basically the three differences in how the ordinance was before. Mayor Crewe summarized that the ordinance prohibits dogs and other animals from the cemeteries, but not from the parks, and the ordinance still makes not cleaning up after the animals a penalty, and the ordinance increases the penalty. He advised that having stated this, the motion is on the floor for adoption pursuant to the motion from the Public Works Committee on final reading as amended. He noted that having stated this, Ms. Gordon was the first person on the sign up sheet that wanted to speak at this meeting. Mayor Crewe noted that Ms. Gordon turned in the petition, and he did not know if she wanted to make additional comments or not. Ms. Gordon declined to comment.

Mayor Crewe noted that Mr. Mike Melton is next on the sign up sheet and noted the Council will be glad to hear from him. Mr. Melton suggested placing the Police Department telephone number on the sign. Mayor Crewe advised that this is a good idea. He noted they have talked about having some additional signage and maybe turning some of the signs. Mayor Crewe indicated that the Town is trying to step up enforcement. He noted that as a practical matter, people clean up after their dogs when a police officer is around. Mayor Crewe pointed out that when a police officer is not around is when the problems arise. He stated he hopes that other pet owners using the parks will help enforce it by reporting people. Mayor Crewe noted that putting the Police Department telephone number on the signs is a good idea, and advised that 9-1-1 always works. Mr. Melton indicated that the number is 3300. Mayor Crewe thanked Mr. Melton for his comments.

Councilman Weisiger remarked that he would like to clarify this a little bit because this ordinance states it is unlawful for animals to defecate. Mayor Crewe noted that is correct. Councilman Weisiger inquired if the ordinance should state it is unlawful for the owner to not clean up after the animal. Mayor Crewe remarked that the ordinance is worded kind of in the reverse. He noted that the ordinance states it is unlawful to defecate, but it is not unlawful and not a violation if the owners clean up and immediately remove the materials defecated and dispose of it in a safe and sanitary manner. Mayor Crewe explained that it makes it a violation, but the owner can cure the violation by taking care of it. Councilman Weisiger advised that this

is acceptable. Mayor Crewe indicated that the ordinance is written kind of in the alternative, and noted that the ordinance states it is illegal to let the dog or other animals defecate on town-owned property, but it is not a violation of this section of the Code if the owner immediately cleans up. Mayor Crewe inquired if there is any other discussion on the motion. Vice-Mayor King inquired if this would be approving the ordinance on third and final reading. Mayor Crewe noted that is correct, and if the ordinance is adopted, it will be effective immediately. 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. 1216 was adopted on third and final reading. Mayor Crewe noted that this ordinance is effective immediately. He stated the Council appreciates everyone's help, and indicated that he hopes the citizens will keep the Town posted and will help enforce this ordinance. Mayor Crewe reiterated his thanks to the citizens for their help.

RE: ORDINANCE NO. 1217 – BUDGET ORDINANCE

Mayor Crewe presented Ordinance No. 1217, the budget ordinance for fiscal year beginning July 1, 2007, and ending June 30, 2008, on third and final reading. He stated that there will need to be a motion made because the Budget and Finance Committee has not agreed on the budget, and there is no motion from the Budget and Finance Committee. A motion was made by Vice-Mayor King and seconded by Councilman Lambert to approve Ordinance No. 1217, the budget ordinance for fiscal year beginning July 1, 2007, and ending June 30, 2008, and to adopt and appropriate the departmental budget on third 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 results:

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

AGAINST: John W. Jones, Jr.

ABSTENTIONS: None

Ordinance No. 1217 was adopted on third and final reading.

RE: ORDINANCE NO. 1219 – COUNTRY CLUB HEIGHTS ZONING

Mayor Crewe presented Ordinance No. 1219, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to zone to R-1 Residential and R-2 Residential property acquired during a recent boundary adjustment which is located on the west side of Petunia Road between Route 11 West and Old Stage Road (Country Club Heights property) on second reading. A motion was made by Councilman Jones and seconded by Councilman Weisiger to adopt Ordinance No. 1219, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to zone to R-1 Residential and R-2 Residential property acquired during a recent boundary adjustment which is located on the west side of Petunia Road between Route 11 West and Old Stage Road (Country Club Heights property) on second, but not 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

ABSTENTIONS: None

Ordinance No. 1219 was approved on second, but not final, reading. Mayor Crewe stated this ordinance will be considered on third and final reading at the July 9 meeting.

RE: APPOINTMENT – CROSSROADS REGIONAL INDUSTRIAL FACILITIES AUTHORITY

Mayor Crewe stated the next agenda item is the reappointment of a member to the Crossroads Regional Industrial Facilities Authority to fill the expiring term of Town Manager C. Wayne Sutherland, Jr. whose term expires June 30, 2007. He noted that Town Manager Sutherland is eligible to be reappointed. Mayor Crewe indicated that the State changed the law, and Town Manager Sutherland can serve another term. A motion was made by Councilman Jones and seconded by Councilman Lambert to reappoint Town Manager Sutherland to the Crossroads Regional Industrial Facilities Authority. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: APPOINTMENT – DISTRICT THREE GOVERNMENTAL COOPERATIVE

Mayor Crewe stated the next agenda item is the reappointment of a Council member to the District Three Governmental Cooperative to fill the expiring term of Councilman William B. Weisiger whose term expires June 30, 2007. He advised that the Council will also need to appoint an alternate member to the Cooperative, and noted that Councilman Lambert is the current alternate member. He noted that Councilmen Weisiger and Lambert are eligible for reappointment. Vice-Mayor King inquired if Councilmen Weisiger and Lambert desire to serve again. Councilmen Weisiger and Lambert noted they would serve again if reappointed. A motion was made by Vice-Mayor King and seconded by Councilman Jones to reappoint Councilman Weisiger as the member and Councilman Lambert as the alternate member to the District Three Governmental Cooperative. 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: CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Mayor Crewe stated the next agenda item is the scheduling of a public hearing to consider transferring the certificate of public convenience and necessity of Premier Taxi Service from Mr. Troy Lawson to Ms. Betty T. Lively and Mr. Mark A. Evans. He noted since the ownership is changing, a public hearing will have to be scheduled. Mayor Crewe indicated that the Council can advertise the public hearing and set the public hearing for the July 9 meeting. He inquired if anyone has any problems with scheduling this public hearing for July 9. It was the consensus of the Town Council to schedule a public hearing for the July 9, 2007, meeting to consider transferring the certificate of public convenience and necessity of Premier Taxi Service from Mr. Troy Lawson to Ms. Betty T. Lively and Mr. Mark A. Evans.

RE: SUBDIVISION – MARANATHA ENTERPRISES

Mayor Crewe stated the next agenda item is to consider the recommendation of the Planning Commission regarding the request of Maranatha Enterprises, representing Clara Callahan, for final approval of the subdivision of property located on the south side of Holston Road between North Fourth Street and Cove Road. He noted that the Council has the recommendation from the Planning Commission that the request be approved. A motion was made by Councilman Jones and seconded by Councilman Weisiger to approve the request of Maranatha Enterprises, representing Clara Callahan, for final approval of the subdivision of property located on the south side of Holston Road between North Fourth Street and Cove Road. Mayor Crewe inquired if there is any discussion on the motion. Mayor Crewe explained that what the subdivision would do is to make four lots into seven single family residential lots. He inquired if there is any other 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

Sharon P. Hackler, MMC, Clerk of Council

BUDGET AND FINANCE COMMITTEE REPORT

JUNE 25, 2007

1. Later this evening, the Council will consider the proposed budget for fiscal year 2007-2008 on third and final reading. As we have noted previously, there is not a concurrence among the Committee with regard to the proposed tax rate and certain other line items within the budget. However, we do have certain recommendations on which we do agree and would offer to the Council for adoption. First, several years ago, the motel and meals taxes were increased, and we did this with the intent that the additional revenues would be used to pay the debt service on the new Community Center. To accomplish this, it is our recommendation that the Treasurer create a fund designated for Community Center debt service and \$5 million of reserve funds be placed in this designated fund. Secondly, it is our recommendation that the interest earned on the designated fund be used annually for a payment on principal on the Community Center debt service. This additional annual principal payment will reduce the duration of the term of the loan. Thirdly, we would recommend that the budget be amended to the extent that it reflects the receipt of this revenue and the appropriation of these funds for the payment on the principal of the Community Center debt. Finally, our Committee would recommend that all funds designated for capital outlay on the appropriations side of the budget receive Council approval prior to being expended.

It would be the recommendation of the Budget and Finance Committee that these items be approved by the Council.

2. Earlier this evening, the Council conducted a public hearing for the purpose of amending the fiscal year 2006-2007 budget in the amount of \$420,000 for two departments within the Water and Sewer side of the budget where expenditures exceeded appropriated revenues. Also, in the course of closing the Town's financial statements for the year, it is necessary for the Treasurer to make certain adjustments in departmental budgets. As such, it would be the recommendation of the Budget and Finance Committee that the budget amendment of \$420,000 be approved and, also, that we authorize the Treasurer to make line item revisions within the current budget transferring monies as may be necessary to balance each departmental budget.

3. Earlier this year, we received a request from the Agape Food Pantry seeking tax exempt status for real estate from which they operate. On May 22nd of this year, the Wythe County Board of Supervisors conducted a public hearing to consider the request for the exemption of real property taxes by the County. The Board of Supervisors did, in fact, approve this exemption. We think the Agape Food Pantry serves a very valuable service to the community, but we do not think it is necessary to provide tax exempt status. It would be our recommendation that we continue to make a donation to the

Agape Food Pantry in an amount equivalent to the real property taxes, but that we not proceed with a permanent tax exemption.

Jacqueline K. King

John W. Jones, Jr.

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PUBLIC WORKS COMMITTEE REPORT

JUNE 25, 2007

1. During the past two meetings of Council, we have considered an ordinance that would prohibit animals, particularly dogs, from public parks and cemeteries. From all of the comments that we have received, we find that there is complete agreement in prohibiting dogs from entering cemeteries. At the last meeting of Council, it was suggested that the proposed ordinance be revised to the extent that it provides penalties for owners of pets that defecate in public places, though it does not prohibit these animals from entering public parks. We are willing to attempt voluntary compliance by these pet owners for some period of time. As such, later this evening, we will consider an ordinance that prohibits dogs from entering our cemeteries and, also, that provides penalties for failure to clean animal waste from public parks. Obviously, many persons enjoy the opportunity of having their pets with them in public parks, and we feel that they must uphold the responsibility to clean after their animals. As such, when this ordinance is considered later this evening, it would be the recommendation of the Public Works Committee that it be adopted. We would note, however, that we will continue to monitor the parks, and if pet feces continues to be a problem, we will recommend that all animals be prohibited from public parks.
2. As everyone has noticed, the milling and paving of various town streets is underway. W-L Construction Company was awarded the contract, this year, and they began the process of milling various town streets last week. They have now completed

their milling process and commenced the process of paving these streets on Thursday. We realize that there are certain inconveniences associated with the milling and paving process, but it is a necessary inconvenience if we are to keep our streets properly maintained.

William B. Weisiger

H. Judson Lambert