

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JANUARY 13, 2003, AT 7:00 P.M.**

Members present: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett

Members absent: None

Others present: Town Manager C. Wayne Sutherland, Jr., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon P. Hackler, Town Attorney Robert P. Kaase, Stephanie Porter-Nichols with Wytheville Enterprise, Jerry Horn, Janet Horn, McDonald Johnson, Kenneth Rich, Agnes Eades

RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE

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

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of December 9, 2002, the request of the Concerned Citizens Network to conduct their Martin Luther King Birthday Celebration Parade on Sunday, January 19, 2003, at 2:00 p.m. and for waiver of fee for use of the Bingo Room at the Community Center, and the request of the Wytheville Woman's Club for waiver of fee for use of the Community Center on November 21, 22, and 23, 2003, for their annual craft show. A motion was made by Councilman Weisiger to remove from the consent agenda the request of the Concerned Citizens Network to conduct their Martin Luther King Birthday Celebration Parade on Sunday, January 19, 2003, at 2:00 p.m. and for waiver of fee for use of the Bingo Room at the Community Center, but to approve the other two items on the consent agenda consisting of the minutes of the regular meeting of December 9, 2002, and the request of the Wytheville Woman's Club for waiver of fee for use of the Community Center on November 21, 22, and 23, 2003, for their annual craft show. The motion was seconded by Councilman Jones. 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, Charles G. Crockett. Against: None.

RE: REQUESTS OF CONCERNED CITIZENS NETWORK

Mayor Crewe stated it will now be necessary for the Council to consider the requests of the Concerned Citizens Network to conduct their Martin Luther King Birthday Celebration Parade on Sunday, January 19, 2003, at 2:00 p.m. and for waiver of fee for use of the Bingo Room at the Community Center. He advised that this request has two parts to it. Mayor Crewe noted the first request is for a permit to conduct the Martin Luther King Birthday Celebration Parade on Sunday, January 19, 2003, at 2:00 p.m. A motion was made by Councilman Crockett and seconded by Councilman Weisiger to approve the request of the Concerned Citizens Network to conduct their Martin Luther King Birthday Celebration Parade on Sunday, January 19, 2003, at 2:00 p.m. Mayor Crewe advised that the information is in the packet, and the route will be different than it has been in previous years. He noted the March will go from the Bethel AME Church down Main Street, turn left on Fourth Street, and then proceed to the Community Center. 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, Charles G. Crockett. Against: None.

Mayor Crewe advised that the second part of the requests of the Concerned Citizens Network is the waiver of fee. He noted he assumes that this is the part that is difficult for the Council. Mayor Crewe pointed out that the request does not meet the criteria the Council has set up for the waiver of fee. Councilman Jones stated he thinks the Council can work out this part of the request. He suggested that the Budget and Finance Committee discuss this in their meeting in the morning and resolve the matter. Councilman Jones indicated that the Concerned Citizens Network will not have to pay the fee. He advised he thinks the matter has to be worked out so that either the Town can take care of this or some other way can be found to take care of the matter so that a precedent is not set where another organization may not meet two of the criteria and the Council grants the request, and then the next person comes along, and the Council will be faced with a similar situation. Mayor Crewe advised that he was at the meeting when it was mentioned that the request was received. He noted the Concerned Citizens Network does not meet the criteria for the waiver of fee. Mayor Crewe inquired if he is correct in

his consensus of the reading of Council that they will not waive the fee, but they will try to structure some other mechanism whereby Council donates an amount equal to the fee or somehow a mechanism is achieved to cover the fee. He noted he thinks this is what Councilman Jones is suggesting. Mayor Crewe remarked that the Concerned Citizens Network would not have to pay the fee. He noted, however, that the Town is not waiving the fee but will take care of the fee amount. Mayor Crewe inquired if this is the thinking of Council. Councilman Weisiger stated that is correct. Councilman Jones inquired if this is acceptable to Councilman Crockett. Councilman Crockett noted he does not see a necessity for charging a fee, and advised he realizes that the Concerned Citizens Network did not submit the request in a timely manner. He stated if the Council can get around charging a fee by one means or another, he would favor that approach. Mayor Crewe advised that for a waiver, the Council indicates that the request has to be made 30 days in advance, and this request was not received that far in advance. He noted there are five requirements, but the two requirements that are a problem with this request are that the request was not submitted in a timely fashion and the Concerned Citizens Network is not incorporated as a nonprofit group or it is not recognized by the Commonwealth of Virginia as a nonprofit organization. Mayor Crewe summarized that these are the two requirements that concern the Council. He noted the consensus of the Council is that the Concerned Citizens Network will not have to pay the \$50 fee for the use of the Bingo Room. Mayor Crewe noted that the Council will figure out whether the Town will either make a donation equal to \$50 or some other mechanism will be used for the fee, but advised that this expense will not be a net cost to the Concerned Citizens Network. He explained that if the Town made a donation, what would happen is the Town would give the Concerned Citizens Network the fee, and the Concerned Citizens Network would have to pay the fee, but there would be a contribution that would be made that is equal to the fee. Mayor Crewe noted that there is no motion on the floor, except Councilman Jones' comment that the Budget and Finance Committee will be meeting in the morning and will make some arrangement to take care of the fee. Mayor Crewe inquired if the members of the Public Works Committee are comfortable with the Budget and Finance Committee making the decision of how to pay the fee. Councilman Weisiger stated he is comfortable with the Budget and Finance Committee making the decision. Councilman Crockett remarked that he is comfortable as long as the Budget and Finance Committee can find a way to not charge the fee one way or another. Councilman Jones advised Councilman Crockett to rest assured that the Budget and Finance Committee will find a way to take care of the fee.

Mr. McDonald Johnson stated this is the first time that the Concerned Citizens Network ever asked for a waiver of fee, and at the time they did ask, they thought they were doing the correct thing. Mayor Crewe noted that the Concerned Citizens Network did the correct thing by asking for the waiver, but the five requirements for a waiver of fee have been in effect for a long time. Mr. Johnson remarked that he knows now that the five requirements have been in effect for a long time. He indicated that they checked with the Community Center to see if it was available to use, and the Town staff who took care of him did a good job of advising him what to fill out and what not to fill out, and this is what they did. Mr. Johnson advised that they did not know it had to be a special type of person or committee to get a waiver of fee. Mayor Crewe remarked that in years prior to this, the Concerned Citizens Network had not used a Town facility so it was not an issue. He noted the parade permit is not an issue, and it has been issued in the past. Mayor Crewe remarked that the issue now is the Council has the five requirements that have been in effect for at least 12 or 14 years for the waiver of fees. He stated that this time, the Concerned Citizens Network does not fit the criteria to waive the fees, but on occasion, the Council has made a donation equal to the fee, so it is basically the same thing but a little different. Mayor Crewe remarked that these criteria have been in effect for a number of years to obtain a waiver of fee. He noted the timeliness of the request is an issue, but it is a minor issue in his opinion. Mayor Crewe stated that the Concerned Citizens Network not being incorporated by the Commonwealth of Virginia as a nonprofit organization is another issue the Council needs to address. He advised that so Mr. Johnson is aware, the five requirements on the front of the waiver of fee sheet are (1) the event has a direct recreational, educational, entertainment value to participants, and Mayor Crewe noted that this event does; (2) alcoholic beverages will not be sold, served, or consumed, and Mayor Crewe noted this event meets this criteria; (3) scheduled through the Department of Recreation at least a month in advance, and Mayor Crewe advised that this event did not meet that criteria; (4) the group requesting the waiver of fee is a public agency or group incorporated by the Commonwealth of Virginia as a nonprofit organization, and Mayor Crewe stated that this organization may be, but the Council has not received the proof, but he does not think it actually is, and Mr. Johnson interjected that the group is not incorporated as a nonprofit organization; (5) if any proceeds are generated, they have to be for a charitable cause, but Mayor Crewe noted this is not an issue in this matter because there are no proceeds to be raised. Mayor Crewe explained that out of the five requirements, one of them is a non-issue, two are complied with, and the other two are not complied with. Mr. Johnson inquired if the Concerned Citizens Network continues to do this each year, what do they have to do to be in a position where they can ask for a waiver of fee. Mayor Crewe answered that the

Concerned Citizens Network would need to make the request at least a month in advance so this requirement will be fulfilled, and noted this requirement should be easy to comply with. He advised that the second part is he does not know how the Concerned Citizens Network would document the charitable purposes or the way it is incorporated, and noted he does not know if the Concerned Citizens Network is incorporated. Mr. Johnson answered that the Concerned Citizens Network is not incorporated. Mayor Crewe remarked that it has to be a public agency or a group incorporated and organized as a nonprofit agency. He noted when this has been done in the past, it is generally an organization that has a 501(c)(3) designation from the Federal or State government as a charitable purpose. Mr. Johnson remarked that Town staff at the Recreation Center told him about this and asked him if the Concerned Citizens Network has a 501, and he noted that they do not have one. He indicated that in his mind, the Concerned Citizens Network is a nonprofit organization whether they have a 501 or not, but now he knows there is a difference in the organizations. Mr. Johnson indicated that they will try to resolve this situation since he knows what is going on. He advised that the request has the title of a parade, and it is not a parade. Mr. Johnson remarked that he would like to change the name from a "parade" to a "march" when the Town recognizes it. Mayor Crewe advised that the reason it is worded this way is because it requires a parade permit although it is a march. He noted that since they will be moving down the street in an orderly fashion, this is the reason it is referred to as a parade. Mayor Crewe advised that it is a parade permit, but Mr. Johnson does not have to use the word "parade" in his title and he can refer to it as a march. He noted that the Council has to issue a parade permit, but the march does not have to be called a parade. Mayor Crewe reiterated that the Concerned Citizens Network does not have to call their march a parade although the Council will be issuing a parade permit, and it can be referred to as a march. Mayor Crewe thanked Mr. Johnson for his comments.

Mayor Crewe advised that this is the last item on the consent agenda with the stipulation that the Budget and Finance Committee will take care of the fees at their meeting in the morning.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period. He inquired if there are persons present who wish to address Council during Citizens' Period. There being none, Mayor Crewe proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The Committee meetings have been reversed this week. The Budget and Finance Committee will be meeting tomorrow morning, and the Public Works Committee will be meeting on Friday morning.
2. The Town has received a letter from the Wythe County Community Hospital Foundation Board. Town Manager Sutherland noted he did not know if Mr. Jerry Horn is attending the meeting to address this or just to listen to the Council meeting. Mr. Horn advised that he is attending the meeting to listen, but he will add anything the Council would like. Town Manager Sutherland advised that the Town received the letter, and the Hospital Foundation Board has determined that it is probably not in their best interest to proceed with the wellness facility. He noted that the Foundation Board has committed up to \$2.5 million toward the community center project with certain caveats noted in the letter, all of which the Council will discuss in Committee meetings this week. Town Manager Sutherland indicated that he wanted to publicly acknowledge that the Town of Wytheville had received the letter from the Wythe County Community Hospital Foundation Board. Mayor Crewe remarked that on behalf of Council, although they have not had a chance to discuss it and since Mr. Horn will be the one that will receive the credit if something goes wrong and maybe get part of the credit if something goes right, he would like to thank Mr. Horn for the letter and for the Hospital's efforts toward this project. He advised that the Council is sorry that they will not be partnering, but the Council looks forward to working with the Hospital as the Town moves forward with this project. Mayor Crewe remarked that the Town will be responding to Mr. Horn's letter in the near future after the Council Committees have had a chance to review the letter and discuss it. He noted the Town will probably need to talk to the architects to see what they need to get done, receive the cost figures, etc. Mr. Horn advised that he is available if the Council needs any further explanation in the Committee meetings, and he will be happy to discuss the entire issue with the Council. Mayor Crewe thanked Mr. Horn for his comments.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, stated that at the last meeting, the Committee reviewed information they had received from the Virginia Rural Water Association concerning short-term loans that were available through their agency. He noted that the Committee has discussed construction loans with this agency concerning two upcoming projects. Councilman Jones noted that these projects include the construction of the new Community Center and the installation of the new sewer interceptor line. He advised that when the Town first started communicating with the Virginia Rural Water Association, the potential was to borrow funding for these projects on a short-term basis wherein the Town's cash reserves could be held in the bank at a higher interest rate than the loan, and the Town could earn funds by using this short-term borrowing process. Councilman Jones indicated, however, that as market conditions worsened, it does not appear that the Town can earn additional interest by making a short-term loan, but it does appear that the Town can have significant loan savings by going through this process. He noted, for example, it appears that making a short-term loan for a one-year period of slightly over \$7 million would result in interest savings to the Town of about \$92,000. Councilman Jones explained that under this scenario, the Town would use the short-term loan for the original twelve-month period, and then start drawing down funds from those loan proceeds that may be available by the Rural Development Agency. He noted that a similar situation is true with the sewer interceptor project, and the estimated interest savings on this project would be about \$10,500. Councilman Jones remarked that the Committee would like to obtain some additional information on these programs because, obviously, they feel that the Council should pursue any savings they can on these upcoming projects. He advised that the Committee will share additional information with the Council as it becomes available.

Councilman Jones also reported that over the past several months, a number of local merchants have expressed concern about peddlers, or itinerant vendors, who come into town for a brief period of time selling goods and wares. He advised that the items that have been sold recently range from hardware to motor scooters, batteries, furniture, and a variety of other items. He stated that as the Council has discussed in the past, state law provides for these vendors to obtain a license and sets the maximum fee for such a license at \$500. Councilman Jones remarked that the Town's Code sets out that the license fee to be paid by these vendors is at the highest rate, \$500, as provided by state law. He noted that the Town makes every effort to monitor these vendors to assure they have been properly licensed. Councilman Jones explained that local merchants, as compared to itinerant vendors, pay Business License Taxes, but they also pay other Town and County taxes and give generously to various civic activities throughout the community. He noted that as the Town has been observing these itinerant vendors, it has been noticed that they are often set up in a lot or in a parking area where the Town suspects that the property owner has not given permission for these retail sales to occur. Councilman Jones advised that the Committee thinks as part of the licensing process, the vendor seeking to get a license should provide information on the application form as to where the sales activities will occur and give evidence that they have permission from the property owners to conduct these sales. He stated the Committee does not know if this is permitted, but would recommend that the Council ask Town Attorney Kaase to review this issue and determine if there are any other actions that Council can take to more closely control peddlers who come into the community. Mayor Crewe remarked what the Town is looking for is what type of requirements the Council can add to a \$500 fee, and noted this was the discussion at the Committee meeting. He requested Town Attorney Kaase to please add this item to the list of things to be reviewed. Town Attorney Kaase noted he would have tried to answer the question at this meeting, but he did not receive the book until rather late Friday. He stated he has been out of town over the weekend, and has been busy today. He stated he will get the Council an answer forthwith. Mayor Crewe thanked Town Attorney Kaase for his comments. Councilman Crockett inquired if Town Attorney Kaase is going to pursue to find out if permission must be granted. Mayor Crewe advised that he will defer to Town Attorney Kaase, but the nature of the Budget and Finance Committee's discussions is if the Town can require someone to prove that they have the parking lot owner's permission to set up on their property, and, if so, what penalty could be attached to the vendor's failure to do that. Mayor Crewe noted, for example, if he gave an out-of-town vendor permission to park on his lot, if they must have this in writing to present to the Town, and if they do not have this written permission, if the Town can do anything to the vendor. He stated this was the gist of the discussions in the Committee meeting. Town Manager Sutherland inquired if Town Attorney Kaase could find out if the lack of evidence would preclude the Town from issuing the license. Vice-Mayor King noted that she thinks the itinerant vendors should present it either way. She advised that when the vendors come to the Town Office to get their business license, they need to have this. Town Attorney Kaase noted it is his idea that he will try to give the Council an answer that will allow them to be as rigorous as they choose to be, and then they can make decisions within that frame. Town Manager Sutherland advised that he thinks this is a good approach. Councilman Crockett advised that currently, the Town does not

have anything in the ordinance that requires them to have permission and inquired if that is correct. Town Manager Sutherland stated that is correct. Mayor Crewe remarked that he thinks Town Attorney Kaase is going to find that there are limited options as to what the Council can require of the vendor. Councilman Crockett noted that it would also appear that this may require an ordinance action by the Council at some point. Mayor Crewe stated if the Council is going to add requirements, they have to be by way of an amendment to the existing ordinance or an entire new ordinance, but some Council action will need to be taken. A copy of the Budget and Finance Committee report is attached and made part of these minutes.

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Weisiger, reporting for the Public Works Committee, stated that in October, the Committee reported to the Council that they had reviewed a request of Town Engineer Robert Huddle for the potential to reduce the speed limit on Grayson Road from 45 miles per hour to 35 miles per hour. He noted that Mr. Huddle also requested that signs be erected in the vicinity of the Water Plant noting that large trucks were entering and exiting that facility. Councilman Weisiger explained that revisions to speed limits on federally funded highways (Grayson Road, which is U.S. Route 21 South) require a speed study to be conducted. He stated that the Town contacted the Virginia Department of Transportation and requested a speed study. Councilman Weisiger advised that subsequently, the Department did make the study and has now advised that their study did not indicate a need for a reduction in the speed limit in this area. He noted there is a fair amount of technical data in the report, and it is available for review if a member of Council would like to see it, though the end result is that the Town is not authorized to reduce the speed limit on this section of roadway. Councilman Weisiger remarked that the Town has, however, erected the "Trucks Entering" signs as requested by Mr. Huddle. Mayor Crewe noted what disturbs him about this, and noted he did not know if the other members of Council have seen the report, is the end result is that VDOT stated the Town cannot lower the speed limit because people are not obeying the present speed limit. He stated if people are driving too fast for the present speed limit, they would still be driving too fast for a lowered speed limit. Mayor Crewe indicated that this kind of circuitous reasoning troubles him. He reiterated that the end result is that VDOT stated the speed limit could not be lowered, but the Town did erect the signs. Mayor Crewe inquired if there are any questions or comments from anyone about this portion of the Public Works Committee report. There being none, Councilman Weisiger proceeded with the remainder of the report.

Councilman Weisiger also reported that at the Committee meeting this week, they reviewed two inquiries that were received over the holidays with regard to changes to traffic control devices in the downtown area. He noted that first, the Committee considered a request that the "No Left Turn" signs on Main Street at Tazewell and Church Streets be removed. Councilman Weisiger advised that after discussing this request, the Committee felt the removal of the signs would be detrimental to the flow of traffic in the downtown area. He stated that as all of the Council knows, Main Street now stays relatively busy, and vehicles attempting to make a left turn would, no doubt, result in additional congestion in the downtown area. Councilman Weisiger noted it is the recommendation of the Committee that the "No Left Turn" signs as posted in the downtown area remain. He advised that secondly, the Committee received a request seeking to reverse the direction of the one-way traffic on Sixth Street between Main and Monroe Streets. Councilman Weisiger explained that currently, traffic on Sixth Street between Main and Monroe Streets can only flow northwardly. He stated this request was that the direction of the one-way traffic be reversed such that it would be flowing southwardly from Monroe Street to Main Street. Councilman Weisiger advised that the rationale for this request was that the postal deposit boxes could be turned around allowing persons to deposit their mail and not go through the circular drive adjoining the Post Office building. He indicated that, likewise, the Committee reviewed this matter and believes it would not be beneficial to reverse the flow of traffic on Sixth Street. Councilman Weisiger pointed out that one primary deterrent to doing this would be the need to eliminate parking spaces on Main Street to give vehicles sight distance to turn on Main Street. He noted the Committee also thinks that the citizens are getting used to the one-way street as it currently exists, and any revisions would result in further confusion. Councilman Weisiger stated it is the Committee's recommendation on this inquiry that no revisions to the traffic control devices be made. He indicated that the Committee would note, however, that it is their intent to contact the Postal Service to see if there are any corrective actions that can be taken along the street and circular drive that will facilitate handicap parking and the general flow of traffic on Sixth Street. Councilman Weisiger advised that the Committee will report to the Council in the near future on its communications with the Postal Service. Mayor Crewe noted that incidentally, he was at the Post Office today and was told that there is a supervisor on duty that is generally present, and it is not a postmaster per se but someone in administration. A copy of the Public Works Committee report is attached and made part of these minutes.

RE: APPOINTMENT – RECREATION COMMISSION

Mayor Crewe stated the next agenda item is to consider the recommendation of the Recreation Commission regarding the appointment of a member to fill the expired term of Mr. Dave Elmore whose term expired December 31, 2002. He noted that Mr. Elmore is not eligible for reappointment. Mayor Crewe noted that the Council members have in their packet the recommendation of the Recreation Commission to appoint Ms. Cheryl Pugh to the Commission. He advised that Ms. Pugh has previously served on the Recreation Commission. A motion was made by Vice-Mayor King to appoint Ms. Cheryl Pugh to the Recreation Commission. She indicated that Ms. Pugh has previously served on the Recreation Commission and did a wonderful job. Vice-Mayor King advised that Ms. Pugh has also served as Chairperson of the Commission. The motion was seconded by Councilman Jones. 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, Charles G. Crockett. Against: None.

RE: STAN MASSIE

Mayor Crewe stated he noted that Building Official Stan Massie has received another appointment or election, and noted he is unsure if it is an appointment or an election, to the Building Code Advisory Committee. He noted that the Council congratulates Mr. Massie for his efforts on this accomplishment.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:25 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, CMC, Clerk of Council