

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, DECEMBER 8, 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, Patrol Sergeant Jim Harrington, Danny Gordon with WYVE/WXBX, Stephanie Porter-Nichols with Wytheville Enterprise, James L. Gleaves, Jr.

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 November 24, 2003, the request of the Maroon Football Moms for waiver of fee for use of the Community Center for a football banquet on December 14, 2003, and the request of the Wytheville Women's Club for waiver of fee for use of the Community Center on November 19, 20, and 21, 2004, for their annual craft show. A motion was made by Councilman Weisiger and seconded by Vice-Mayor King to approve the consent agenda consisting of the minutes of the regular meeting of November 24, 2003, the request of the Maroon Football Moms for waiver of fee for use of the Community Center for a football banquet on December 14, 2003, and the request of the Wytheville Women's Club for waiver of fee for use of the Community Center on November 19, 20, and 21, 2004, for their annual craft show. 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: PUBLIC HEARING – CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider renewing the Certificates of Public Convenience and Necessity during 2004 for Blue and White Cab, Incorporated for the operation of taxicabs and for Blue Ridge Medical Transport, Incorporated, and Guardian Ambulance Service for the operation of public vehicles. He inquired if there are persons present who wish to address the Council during the public hearing. There being none, he declared the public hearing closed. He advised if someone arrives later at the meeting and desires to address the Council regarding this matter, he will offer them the opportunity to speak.

RE: RESOLUTION – JAMES L. GLEAVES, JR.

Mayor Crewe stated the next agenda item is the adoption of a resolution and a presentation to Mr. James L. Gleaves, Jr. for his service to the Town. He noted the Council is glad to have Mr. Gleaves attending the meeting. Mayor Crewe read the resolution to those in attendance at the meeting. A motion was made by Councilman Jones and seconded by Vice-Mayor King to adopt the resolution commending Mr. James L. Gleaves, Jr. for his service to the Town. 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.

Mayor Crewe stated he speaks for the entire Town, and everyone is grateful to Mr. Gleaves for his years of service to the Town. He presented a copy of the resolution to Mr. Gleaves. Mr. Gleaves thanked the Council for the resolution. He stated he appreciates the chance to serve the Town. Mr. Gleaves indicated he enjoyed his service to the Town, and he thinks it was a very rewarding experience. He noted he wished the Council and the Town every possible success in the future. Mr. Gleaves remarked that in his opinion, and without question, this is the finest municipality on the planet, and he reiterated his thanks to the Council. A photograph was then taken of the presentation of the resolution to Mr. Gleaves.

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.

Mr. Danny Gordon stated on behalf of the Town citizens, he has talked to so many people that really appreciate the lights in downtown Wytheville and the decorations in Withers Park. He noted it is really nice to know that everyone lives in a town that people are proud of. Mr. Gordon reiterated that it is a beautiful display in downtown Wytheville, and the Town of Wytheville Public Works Department, as he has told Director of Public Works Hackler this morning, did a super job in getting the downtown ready for the parade, and also did a great job on snow removal. He noted that he does hear some complaints, but he wanted to let the Council know he has talked to a number of people who have commented how great the Town of Wytheville looked lit up, as well as the displays in Withers Park and the snowman. Mr. Gordon noted it is nice to have these things. He pointed out that people can drive into Pulaski, and noted no offense to Pulaski, but they will not find lights like the Town of Wytheville has, and it is nowhere else either. He reiterated that it is nice to see this. Mr. Gordon stated he wanted to make the comments at the last meeting of the year that it is nice to live somewhere that he and others can be proud of. He indicated that there are a lot of people who have told him this in the last few days, and he wanted to pass these comments along to the Council. Mr. Gordon advised that a lot of people will not address the Council unless there is a complaint, but they have been telling him that they really like the displays. Mayor Crewe thanked Mr. Gordon for his comments. Mr. Gordon advised that the Town crews do a great job because he knows they do the decorating, etc., and the Town has some good employees. Vice-Mayor King stated she agreed. Mr. Gordon noted that as far as snow removal, he would not want the job doing this. Mayor Crewe advised that the Town will ensure that these comments get passed along to the responsible parties. He noted that he knows he speaks for Council when he states how much they appreciate, particularly, the Public Works Department and the Police Department and all they have done regarding the inclement weather, getting prepared for the parade, etc. Mayor Crewe stated that Mr. Gordon is correct in that the town looks very attractive, and the Council is glad that people notice. He noted he appreciates Mr. Gordon taking the time to make these comments. Councilman Weisiger indicated that Vice-Mayor King had a lot to do with these decorations. Mayor Crewe advised that is correct.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The Building Official's office tabulated the number of permits that were issued through November, and the numbers are very good. This past month, the Town had building permits for construction valued at \$3.4 million. The year-to-date totals through November are about \$24.5 million. This is up from the high of last year of \$21.9 million. According to Building Official Massie, the interest in building permits and the activity in his office would make it appear that this growth in construction is going to continue for some time. It was also interesting that during this past year there were 37 permits issued for residential dwellings. Twenty two of the permits were for single-family dwellings, and the others were for either manufactured homes or apartment units. It was a very good year in terms of construction.
2. Town Manager Sutherland advised that he would remind the Council of several upcoming dates. This week, the Committee meetings are reversed, and the Budget and Finance Committee will meet on Tuesday morning, December 9, and the Public Works Committee will meet on Thursday morning, December 11. On Thursday, December 11, the Joint Industrial Development Authority will have an open house in their new offices between 11:00 a.m. and 2:00 p.m., if the Council has the opportunity to visit them. Also, on December 18, the New River Regional Water Authority will meet in the Town Municipal Building. For the Christmas holidays, the Town offices will be closed on December 24 and 25.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, stated that at the last meeting of Council, they reported that they had certain amendments to the Cemetery Regulations under review. She stated that since that time, both they and the Public Works Committee have had the opportunity to review the amendments in more detail and find that certain changes would enhance the proposed new regulations. Vice-Mayor King noted that the Committee will give a synopsis of the various changes that are proposed. She explained that in Section 5-2, Paragraph F, language will be added that will require any cemetery property that is

to be sold or transferred by an individual owner to be offered to the Town to purchase. Vice-Mayor King noted that the Committee has discussed this topic at some length and find that the existing policy of paying 65 percent of the current price is still an equitable situation for both the seller and the Town. She stated that originally, the Committee had anticipated making payment based on the original price paid for the grave space, but Town Treasurer Mike Stephens advised it is impossible to determine the prices that were paid for the grave spaces over the years. Vice-Mayor King noted this section goes on to provide that if the Town does not want to purchase the space, then the owner of the grave space can sell the space to a third party at a mutually agreed upon price. She commented that this section also contains a provision that prohibits undertakers, funeral directors, and brokers from purchasing cemetery lots for the purpose of resale. Vice-Mayor King noted that finally, this section provides that a fee will be imposed for transferring a title to a cemetery lot to a third party. She explained that the fee to be charged will be established from time to time as the Council deems necessary. Vice-Mayor King noted that the Committee will suggest a fee schedule for the Council to consider at its next meeting. She stated the other revision proposed is an amendment to Section 5-6 concerning monuments and markers. Vice-Mayor King indicated that currently, it is strongly encouraged that the design and configuration of the monuments be reviewed prior to being ordered from a vendor. She noted now, this section will be amended to provide it is required that a monument design be approved prior to it being ordered. Vice-Mayor King indicated that this revision will not delay the installation of monuments in any fashion, but it will prevent nonconforming markers from being ordered and paid for and then not being allowed in the cemetery. She stated that later in the meeting, the Council will consider these revisions in an ordinance. Vice-Mayor King noted that at the time of consideration, it would be the recommendation of the Budget and Finance Committee that the rules be suspended and the ordinance be adopted on first and final reading and become effective immediately.

Vice-Mayor King also reported that recently, the Planning Commission inquired as to the possibility of erecting signs at locations where rezoning requests had been received. She indicated State law currently requires that the Town give notice by certified letter to all abutting property owners of any request for rezoning. Vice-Mayor King pointed out that often, however, there are other interested parties to a rezoning request that do not receive certified letters. She remarked that in addition to the certified letters, the Town also publishes in the Wytheville Enterprise notices of all meetings and hearings concerned with a public hearing. Vice-Mayor King advised that the Committee agrees it may be of benefit to the public to post a sign noting a zoning question is under review. She stated that as such, it is the recommendation of the Budget and Finance Committee that the Council direct the Town staff to develop and implement a program for the erection of such signs noting that a zoning question is being considered. Vice-Mayor King noted that the Committee realizes this will be a learning process and thinks the Council should review this topic again in one year to determine its effectiveness. Mayor Crewe stated he knows the Public Works Committee also discussed this matter, and unless someone has a problem, and noted he did not hear any objections during the Public Works Committee meetings, the Council will ask Town staff to develop this program. 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, stated there are two street improvement projects that the Committee has under review, and they would like to share these concepts with the Council. He advised the first project is located on the south side of East Main Street from Eleventh Street eastwardly to a point near the Smoker's Friend store. Councilman Weisiger remarked that curb and gutter in the location they just described is misaligned by about six feet with the other curb and gutter eastwardly on Main Street. He stated by relocating the existing curb back by six feet, the Town would have sufficient space to create the center turn lane all along Main Street from Cassell Road to Eleventh Street. Councilman Weisiger explained that this additional lane could be utilized as a turn lane for businesses in this area and could also provide an exclusive left-turn lane for vehicles proceeding westerly and approaching Eleventh Street. He indicated that under this scenario, certain revisions would be required to the existing traffic control devices, particularly the traffic signal. Councilman Weisiger stated the Committee has asked the Public Works Department to contact a vendor and have an estimate prepared on the cost for performing such work. He advised that the Committee still has some study to do on this matter, and the Committee should have a recommendation within the next few weeks. Councilman Weisiger indicated that secondly, the Committee would note they are also going to ask the Public Works Department to have a vendor give the Town an estimate on relocating the existing traffic signals at the Acme shopping center to the intersection at the Community College and Withers Lane. He pointed out that this intersection is very busy, and traffic will, no doubt, increase with the Town's new Community Center.

Councilman Weisiger also reported that recently, there has been a great deal of publicity, and the Town has had a number of inquiries concerning new state regulations about the placement of Christmas trees in certain environments. He stated the Committee has obtained, from the State Fire Marshal's office, all of the recent press releases and interpretations and have those available for review at the Municipal offices. Councilman Weisiger noted that the Committee does want to emphasize that these codes were adopted by the State of Virginia and imposed on localities, and were not the idea of any local governing official. He stated that in brief, anyone who has a question should contact the Director of Public Safety, Albert Newberry. Mayor Crewe stated he knows there is a lot of confusion with the law having been changed after the regulations were issued and then redone. He indicated he thinks the best thing is to call Mr. Newberry to answer any questions. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: APPOINTMENT – WYTHEVILLE PLANNING COMMISSION

Mayor Crewe stated the next agenda item is the appointment to the Wytheville Planning Commission to fill the unexpired term of Mr. James L. Gleaves, Jr. whose term expires March 2, 2006. He noted the Council has the application in their package, and advised that the Council can make the appointment at this meeting or they can wait, whichever is the pleasure of Council. A motion was made by Vice-Mayor King and seconded by Councilman Jones to appoint Mr. David T. Bush to the Wytheville Planning Commission. Mayor Crewe inquired if there is any discussion on the motion. Councilman Crockett stated he would assume that Mr. Bush is aware of the fact that he will have to complete the course to become a certified planning commissioner. Vice-Mayor King and Councilman Jones advised that is correct. Mayor Crewe inquired if there is any further 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: ORDINANCE NO. 1164 – CEMETERY REGULATIONS

Mayor Crewe presented Ordinance No. 1164, an ordinance amending and reenacting Chapter 5, Cemeteries, Section 5-2, General Rules, and Section 5-6, Monument Work and Markers, of the Code of the Town of Wytheville, Virginia, on first reading. He noted this is the ordinance that was referred to in the Budget and Finance Committee report to amend the cemetery regulations as they outlined in their report. A motion was made by Vice-Mayor King and seconded by Councilman Jones to suspend the rules and adopt Ordinance No. 1164, an ordinance amending and reenacting Chapter 5, Cemeteries, Section 5-2, General Rules, and Section 5-6, Monument Work and Markers, of the Code of the Town of Wytheville, Virginia, on first and final reading. Mayor Crewe inquired if there is any discussion on this ordinance. Councilman Crockett inquired if he is to assume that the funeral directors are aware of this ordinance. Town Manager Sutherland stated that the funeral directors are not aware of this ordinance and noted that Town staff has not contacted them. Councilman Crockett indicated that he knows this ordinance has been discussed at various times, but this ordinance may come as a slight surprise to the funeral directors. Town Manager Sutherland reiterated that Town staff has not contacted the funeral directors. Mayor Crewe indicated that it will be a matter of public record depending on which action the Council takes. He stated it has been in the Town minutes that the Council has been discussing the cemetery regulations. Mayor Crewe inquired if there is any further 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

ABSTENTIONS: None

Ordinance No. 1164 was adopted on first and final reading. Mayor Crewe noted that this ordinance will be effective immediately.

RE: CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Mayor Crewe stated the next agenda item is to consider renewing the Certificates of Public Convenience and Necessity during 2004 for Blue and White Cab, Incorporated for the operation of taxicabs and for Blue Ridge Medical Transport, Incorporated and Guardian Ambulance Service for the operation of public vehicles. He stated the certificates note that the Council had the Police Department inspect the vehicles, and the Town has checked the insurance

verification to ensure it meets with the statute. Mayor Crewe pointed out that the Council does not set the rates or control the rates. He stated if the Council so desires, the request is that the Town issue a certificate for Blue & White Cabs, Guardian Ambulance Service, and Blue Ridge Medical Transport. A motion was made by Councilman Jones and seconded by Councilman Weisiger to renew the Certificate of Public Convenience and Necessity during 2004 for Blue and White Cab, Incorporated for the operation of taxicabs and for Blue Ridge Medical Transport, Incorporated and Guardian Ambulance Service for the operation of public vehicles. Councilman Weisiger inquired if A Class Act Limousine Service currently in town would also fall under this ordinance. Mayor Crewe noted it should also be under this ordinance. Councilman Weisiger inquired if they have filed for the limousine service for 2004. Mayor Crewe advised he thinks the limousine service has been out of commission for quite awhile. Vice-Mayor King pointed out that the limousine was in the parade yesterday. Mayor Crewe indicated that he has been told that the limousine is just recently back from the garage. Town Clerk Hackler indicated that Mr. Stanley has not filed for a certificate for 2004. Councilman Weisiger inquired if the Town notified Mr. Stanley of the requirement. Town Clerk Hackler stated that she would verify that the Town contacted Mr. Stanley. Vice-Mayor King inquired as to what needs to happen. Mayor Crewe stated it will be necessary for Mr. Stanley to file for a certificate. Town Manager Sutherland noted that Mr. Stanley will need a certificate if he is going to operate. Town Clerk Hackler advised that the Council would need to set a public hearing to consider the certificate if he applies. Mayor Crewe stated he suspects that Mr. Stanley will apply for the certificate. He inquired if there is any further 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: ADJOURNMENT

Mayor Crewe wished everyone happy holidays. He noted that unless something happens, this will be the last meeting of calendar year 2003. Mayor Crewe pointed out if some issue arises, the Council could call a meeting. He stated he appreciates everyone's efforts over the past year, and he hopes everything goes well and everyone has a great holiday. Mayor Crewe inquired if there is any further business to be discussed. There being none, 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

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BUDGET AND FINANCE COMMITTEE REPORT

JANUARY 12, 2004

1. Several years ago, state law was amended with regard to the local collection of utility taxes on electricity and natural gas services. These revisions to state law were the result of the deregulation of these two utilities. The Virginia Municipal League provided a model document for communities to amend their codes to reflect these new statewide changes. Like other communities, the Town adopted this code, which amended local provisions concerning the collection of utility tax on electricity and natural gas. This model code, however, did not address the local utility tax on telephones. The Town's Code, with regard to the collection of the utility tax on telephones, was not repealed when that ordinance was enacted, but the provisions for the collection of that tax were not codified into the Town's Code. Therefore, later this evening, we will consider the adoption of an ordinance that will insert the provisions for the collection of the utility tax on telephones into the appropriate section of the Town's Code. This action is merely housekeeping in nature. As such, when the ordinance is considered, we would recommend that the rules be suspended and that the ordinance be adopted on first and final reading.
2. In mid-October, we had a groundbreaking ceremony for the new Community Center. Since that time, we have had a number of citizens inquire about the time schedules associated with the construction of the new facilities. Our architectural firm, Worley Associates, has provided us with their best estimates of when various milestones will occur. At this point, it appears that all of the construction documents will be

available for our review by mid-February, during which time we will have about one month to make comments or revisions. It is anticipated that bids could be received by mid-April and construction would commence by the end of May. Given the size of this project, it will take slightly over a year to construct with substantial completion of the construction occurring in late June of 2005. Assuming that the project will proceed on schedule, the new facilities should be ready to be occupied by late summer or early fall of 2005.

Jacqueline K. King

John W. Jones, Jr.

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PUBLIC WORKS COMMITTEE REPORT

JANUARY 12, 2004

1. Recently, our Committee reviewed preliminary plans from a developer for a new 80-unit apartment complex and 16 townhouse units within the Pleasant View Subdivision. The Pleasant View Subdivision is located north and west of Cassell Road. Also, in the last month, we have met with the Wytheville Redevelopment and Housing Authority concerning their plans to construct about 20 apartment units on a parcel of land on Cassell Road that is in proximity to the Pleasant View Subdivision. Between the two projects, approximately 120 new dwelling units will be created. Currently, the water system serving the Cassell Road area is not capable of providing water flow and pressures that will be needed to accommodate these additional units. As such, we have asked our consultant engineer, Mr. Elvan Peed, to evaluate the situation and to make recommendations concerning improvements that would correct the situation. The engineering report indicates that installation of approximately 460 feet of 6-inch line from the Pleasant View Subdivision to the line serving the Longview Apartment Complex would improve the situation somewhat. The engineering report goes on to say that approximately 1,400 feet of 8-inch line is needed from the point near the Longview Apartment Complex back to Main Street. Potentially, this section of line could follow the southwest boundary of the Community College and would not require the disturbing of any streets or pavement. Our Committee is continuing to study these possibilities and will be seeking cost estimates and other information needed to make a decision. Hopefully, we will be in a position to make a recommendation to the Council by the next meeting of Council.

2. Last month, our Committee reported to the Council about certain improvements on East Main Street that were under consideration. As you may recall, these improvements included the widening of East Main Street from Eleventh Street to a point near the Smoker's Friend, with the potential for adding a left-turn lane on Main Street at Eleventh Street, and the relocation of the traffic signal from the Acme shopping center to the Community College entrance. We have now received quotations on performing the traffic signal work. The cost of the traffic signal work at Eleventh and Main Streets is approximately \$25,000. The cost for relocating the traffic signal from Acme to the Community College entrance is approximately \$17,000. We would note that this relocation is slightly more complicated than we had first thought because of the misalignment of Withers Lane and the Community College road. We are continuing to look at alternatives as to how this misalignment can be accommodated. In any event, we think that it is worthwhile to proceed with the installation of the section of curb and gutter on East Main Street from Eleventh Street to a point near the Smoker's Friend. Unless the Council disagrees, we will ask the Town's Public Works forces to proceed with this section of curb and gutter construction.

William B. Weisiger

Charles G. Crockett