

AGENDA
Wytheville Town Council
Monday, September 27, 2004
7:00 P.M.
Wytheville Municipal Building
150 East Monroe Street
Wytheville, Virginia 24382

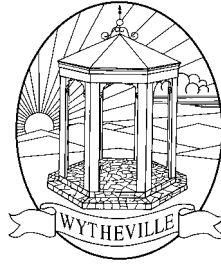
- A. **CALL TO ORDER**—MAYOR TRENTON G. CREWE, JR.
- B. **ESTABLISHMENT OF QUORUM**—MAYOR TRENTON G. CREWE, JR.
- C. **INVOCATION**—COUNCILMAN WILLIAM B. WEISIGER
- D. **PLEDGE OF ALLEGIANCE**—COUNCILMAN JUDSON LAMBERT
- E. **CONSENT AGENDA**
 - 1. Minutes of the regular meeting of September 13, 2004
 - 2. Request of Wythe County for waiver of fee for use of the Community Center Gym on October 12, 2004, and November 10, 2004, for Student Government Day
 - 3. Request of the Joint Public Service Authority for waiver of fee for use of the Community Center Bingo Room on December 8, 2004, for a meeting
 - 4. Request of the Mount Rogers Community Services Board for waiver of fee for use the Community Center Bingo Room on October 9, 2004, for an “End of Summer Bash for Clients”
 - 5. Request of George Wythe High School to conduct a homecoming parade on September 29, 2004
- F. **CITIZENS’ PERIOD**
- G. **OLD BUSINESS**—TOWN MANAGER C. WAYNE SUTHERLAND, JR.
- H. **COMMITTEE REPORTS**
 - 1. Budget and Finance
 - a. Property tax tickets tentatively to be issued September 30th
 - b. Enterprise Zone application process

2. Public Works

- a. "No Parking" designations at two Wytheville Redevelopment and Housing Authority sites
- b. Resolution adopting interim application process for wireless telecommunications facilities in lieu of moratorium

I. **ADJOURNMENT**

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Meeting Date:	Monday, September 27, 2004
Item Name:	Consent Agenda
Item Number:	E-2
Subject:	Waiver of Fee—Wythe County

SUMMARY:

Enclosed is a request of Wythe County for waiver of fee for use of the Community Center for Student Government Day sessions on October 12, 2004, and November 10, 2004. Wythe County conforms to the criteria for waiver of fee and Director of Recreation Showalter has also approved the request.

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Town of Wytheville
Department of Parks and Recreation

Request for Waiver of Fees

Name of Organization: County of Wythe Non-Profit / Profit

Date of Activity: Oct. 12 + Nov. 10 Tax-exempt No: _____

Purpose of Activity: Student Gov.

Request of Area	Hours	Use Fee	Additional Information
Gym	<u>12-1:30</u>	<u>\$45</u>	
Bingo Room	_____	_____	
Room	_____	_____	
Withers Park	_____	_____	
Elizabeth Park	_____	_____	

Number of Persons in Attendance: 100

Requirements

- The activity provides a direct recreational, educational or entertainment value to the participants.
- Alcoholic beverages will not be sold, served, or consumed.
- The activity was scheduled through the Department of Recreation at least one month in advance of the date of the event.
- Group requesting waiver of fees is a public agency, or group incorporated by the Commonwealth of Virginia as non-profit organization.
- Proceeds raised will be donated to: NA
(The generation of funds for a charitable or worthy cause shall not, of itself, be deemed as a reason for waiver of Center or Park use fees).

Organization Representative: Patti L. Mills, Adm. Asst.

Address: 345 S. 4th St

City/State: Wytheville, Va Zip Code: 24382

Day Phone: 276-223-6024 Night Phone: 276-223-6030

Signature: Patti L. Mills Date: 9-10-04

Approval Director of Recreation: Vicki Shewalt Date: 9/20/04

Comments: _____

Approved By: _____ Date: _____

Comments: _____

Alcohol: _____ Depon. Pd: _____ Fees Pd: _____

Town of Wytheville Parks & Recreation Department

250 S Fourth St
Wytheville, VA 24382
Phone: 276-223-3378
Fax: 276-223-3364

Facility Use Agreement

Representative Name: Patti Mills, Administrative Assistant Activity Date: Oct. 12 + Nov. 10
 Organization Name: County of Wythe Area Requested: Gym
 Address: 345 S. 4th St Purpose of Activity: Student Boo.
 City: Wytheville State: VA ZIP: 24382 Classification: VP request waiver
 Day Phone: 276-223-6024 Night Phone: 276-223-6030
 Fax: _____ E-Mail: _____

Activity Details

Persons: 100 TIME IN: 12 TIME OUT: 1:30
 Activity Time: _____ TOTAL HOURS: _____
 Tables: 10 Chairs: 60 Easel: _____
 Coffee Urn: _____ Storage: _____ PA: _____
 Caterer's Name: N/A Arrival: _____
 Alcohol Use Officer: _____ Time: _____

Fees

Paid Set Up: _____ (staff)
 Paid Clean Up: _____ (staff)
 Room/Area Rental Fee: \$ 45
 Kitchen: \$ _____
 Security Deposit: \$ _____
 P.A. Rental: \$ _____
 Set Up Fee: \$ _____
 Police Officer Fees: \$ _____
 Other: \$ _____
 TOTAL: \$ _____
 Total Paid: \$ _____
 Date: _____ Rec. No. _____
 _____ Check _____ Cash
 BALANCE: \$ _____ DUE BY: _____
 Balance Paid: \$ _____ Date: _____
 Rec. No. _____ Check _____ Cash

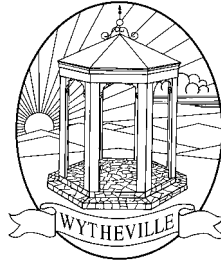
I (We) understand that permission for use is granted on condition that all rules and regulations pertaining to the use shall be followed and understand that permission for use may be revoked at any time for failure to do so. Upon request I have read the facility policies and agree to abide by them. The Town of Wytheville Parks and Recreation Department reserves the right to cancel or change facility rentals as needed.

This agreement is subject to the details, terms, conditions and policies of the facility.

Representative's Signature: Patti L Mills DATE: 9-10-04
 Staff Signature: Duane B. Hinton DATE: 9-10-04

Handbook Provided: _____
 Police Dept. Contacted: _____
 ABC Application: _____

Refund Amount: _____ Date: _____
 Police Officer Pd: _____ Date: _____
 Staff Pd: _____ Date: _____



Meeting Date:	Monday, September 27, 2004
Item Name:	Consent Agenda
Item Number:	E-3
Subject:	Waiver of Fee—Joint PSA

SUMMARY:

Enclosed is a request of the Joint Public Service Authority for waiver of fee for use of the Community Center for a meeting on December 8, 2004. The Joint Public Service Authority conforms to the criteria for waiver of fee and Director of Recreation Showalter has also approved the request.

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Town of Wytheville
Department of Parks and Recreation

Request for Waiver of Fees

Name of Organization: Joint Public Service Auth. Non-Profit / Profit

Date of Activity: Dec. 8, 2004 Tax-exempt No:

Purpose of Activity: Meeting

Table with 4 columns: Request of Area, Hours, Use Fee, Additional Information. Rows include Gym, Bingo Room, Room, Withers Park, Elizabeth Park.

Number of Persons in Attendance: 60

Requirements

- Checkboxes for requirements: activity provides value, no alcohol, scheduled in advance, group is public agency, proceeds donated to NA.

Organization Representative: Roger Repass

Address: 1169 Kents Ln

City/State: Wytheville VA Zip Code: 24382

Day Phone: 8-4907 Night Phone: 637-3659

Signature: Roger Repass Date: 9/20/2004

Approval Director of Recreation: Rick Shoultz Date: 9/20/04

Approved By: Comments: Date:

Alcohol: _____ Deposit Pd: _____ Fees Pd: _____

Town of Wytheville
Parks & Recreation Department

250 S Fourth St
Wytheville, VA 24382
Phone: 276-223-3378
Fax: 276-223-3364

Facility Use Agreement

Representative Name: Roger Repass

Organization Name: Joint Public Service Authority

Address: 1609 Kents Ln.

City: Wytheville State: VA ZIP: 24382

Day Phone: 8-4907 Night Phone: 637-3659

Fax: _____ E-Mail: _____

Activity Date: Dec 8, 2004

Area Requested: BR

Purpose of Activity: Meeting

Classification: NP

Activity Details

Persons: LOD TIME IN: 9Am TIME OUT: 1pm

Activity Time: _____ TOTAL HOURS: 4

Tables: _____ Chairs: _____ Easel: _____

Coffee Urn: _____ Storage: _____ PA: _____

Caterer's Name: _____ Arrival: _____

Alcohol Use Officer: _____ Time: _____

I (We) understand that permission for use is granted on condition that all rules and regulations pertaining to the use shall be followed and understand that permission for use may be revoked at any time for failure to do so. Upon request I have read the facility policies and agree to abide by them. The Town of Wytheville Parks and Recreation Department reserves the right to cancel or change facility rentals as needed.

This agreement is subject to the details, terms, conditions and policies of the facility.

Representative's Signature: [Signature] DATE: 9/20/2004

Staff Signature: [Signature] DATE: 9-20-04

Fees

Paid Set Up: _____ (staff)

Paid Clean Up: _____ (staff)

Room/Area Rental Fees: \$ 33

Kitchen: \$ _____

Security Deposit: \$ _____

P.A. Rental: \$ _____

Set Up Fee: \$ _____

Police Officer Fees: \$ _____

Other: \$ _____

TOTAL: \$ _____

Total Paid: \$ _____

Date: _____ Rec. No. _____
____ Check ____ Cash

BALANCE: \$ _____ **DUE BY:** _____

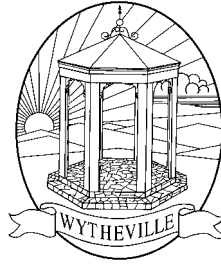
Balance Paid: \$ _____ **Date:** _____

Rec. No. _____ ____ Check ____ Cash

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Handbook Provided: _____
Police Dept. Contacted: _____
ABC Application: _____

Refund Amount: _____ Date: _____
Police Officer Pd: _____ Date: _____
Staff Pd: _____ Date: _____



Meeting Date:	Monday, September 27, 2004
Item Name:	Consent Agenda
Item Number:	E-4
Subject:	Waiver of Fee—Mount Rogers Community Services Board

SUMMARY:

Enclosed is a request of the Mount Rogers Community Services Board for waiver of fee for use of the Community Center for an “End of Summer Bash for Clients” on October 9, 2004. The Community Services Board conforms to the criteria for waiver of fee and Director of Recreation Showalter has also approved the request.

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Town of Wytheville
Department of Parks and Recreation

Request for Waiver of Fees

Name of Organization: Mt Rogers CSB Non-Profit / Profit

Date of Activity: 10-9-04 Tax-exempt No: -

Purpose of Activity: End of Summer Bush. for clients

Table with 4 columns: Request of Area, Hours, Use Fee, Additional Information. Rows include Gym, Bingo Room, Room, Withers Park, Elizabeth Park.

Number of Persons in Attendance: 300

Requirements

- List of requirements with checkboxes: The activity provides a direct recreational, educational or entertainment value to the participants. Alcoholic beverages will not be sold, served, or consumed. The activity was scheduled through the Department of Recreation at least one month in advance of the date of the event. Group requesting waiver of fees is a public agency, or group incorporated by the Commonwealth of Virginia as non-profit organization. Proceeds raised will be donated to: MA

Organization Representative: Brenda Boone

Address: 410 W main St

City/State: Wytheville VA Zip Code:

Day Phone: 276-228-6659 Night Phone: 276-475-3360

Signature: Brenda Boone Date: 9-9-04

Approval

Director of Recreation: Rich Shoultz Date: 9/14/04

Comments:

Approved By: Date:

Comments:

Alcohol: _____ Deposit Pd: _____ Fees Pd: _____

Town of Wytheville
Parks & Recreation Department

250 S Fourth St
Wytheville, VA 24382
Phone: 276-223-3378
Fax: 276-223-3364

Facility Use Agreement

Representative Name: Brenda Boone

Organization Name: Ut Rogers CSB

Address: Wytheville Clubhouse
410 W Main St

City: Wytheville State: VA ZIP: _____

Day Phone: 228-6659 Night Phone: 276-475-3360

Fax: 228-0000 E-Mail: _____

Activity Date: Oct 9, 2004

Area Requested: EBP

Purpose of Activity: Picnic

Classification: NP

Activity Details

Persons: 300 TIME IN: 7 AM TIME OUT: 7 pm

Activity Time: _____ TOTAL HOURS: 12

Tables: _____ Chairs: _____ Easel: _____

Coffee Urn: _____ Storage: _____ PA: _____

Caterer's Name: _____ Arrival: _____

Alcohol Use Officer: _____ Time: _____

I (We) understand that permission for use is granted on condition that all rules and regulations pertaining to the use shall be followed and understand that permission for use may be revoked at any time for failure to do so. Upon request I have read the facility policies and agree to abide by them. The Town of Wytheville Parks and Recreation Department reserves the right to cancel or change facility rentals as needed.

This agreement is subject to the details, terms, conditions and policies of the facility.

Representative's Signature: Brenda Boone

DATE: 9-9-04

Staff Signature: [Signature]

DATE: 9-9-04

Fees

Paid Set Up: _____ (staff)

Paid Clean Up: _____ (staff)

Room/Area Rental Fees: \$ 95

Kitchen: \$ _____

Security Deposit: \$ 175

P.A. Rental: \$ _____

Set Up Fee: \$ _____

Police Officer Fees: \$ _____

Other: \$ _____

TOTAL: \$ 270

Total Paid: \$ _____

Date: _____ Rec. No. _____

____ Check ____ Cash

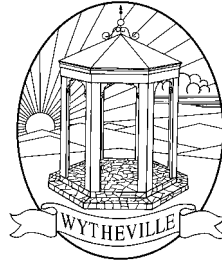
BALANCE: \$ _____ **DUE BY:** _____

Balance Paid: \$ _____ Date: _____

Rec. No. _____ Check ____ Cash

Handbook Provided: _____
Police Dept. Contacted: _____
ABC Application: _____

Refund Amount: _____ Date: _____
Police Officer Pd: _____ Date: _____
Staff Pd: _____ Date: _____



Meeting Date:	Monday, September 27, 2004
Item Name:	Consent Agenda
Item Number:	E-5
Subject:	Homecoming Parade

SUMMARY:

Enclosed is a request of George Wythe High School to conduct their homecoming parade on Wednesday, September 29, 2004. The parade route will be the same as previous years, and the Town anticipates no problems with approving this request.

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George Wythe High School

#1 Maroon Way
Wytheville, Virginia 24382
Phone: (276) 228-3157 Fax: (276) 228-4124

TOWN OF WYTHEVILLE
RECEIVED
SEP 22 2004

September 21, 2004

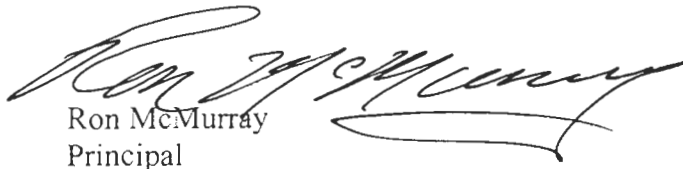
C. Wayne Sutherland, Jr. Town Manager
Town Of Wytheville
P.O. Box Drawer 533
Wytheville, Virginia 24382

Dear Mr. Sutherland;

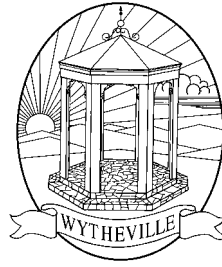
George Wythe High School would like to request permission to conduct a homecoming parade ending with a bon fire on Wednesday, September 29, 2004. It will assemble at the Municipal Building parking lot at approximately 5:30 p.m. The parade will begin at 7:00 p.m. The parade route will go west on Main Street to Lee Highway, north on Lee Highway to Spiller Street, west on Spiller Street to George Wythe High School.

Thank you for your consideration on this request.

Sincerely,


Ron McMurray
Principal
ks/rm

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Meeting Date:	Monday, September 27, 2004
Item Name:	Committee Reports
Item Number:	H-1
Subject:	Budget and Finance Committee Report

SUMMARY:

The Budget and Finance Committee will report on the following matters:

- a. Property tax tickets tentatively to be issued September 30th
- b. Enterprise Zone application process

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BUDGET AND FINANCE COMMITTEE REPORT

SEPTEMBER 27, 2004

1. Our Committee received a report this week from Town Treasurer Mike Stephens who reported that we had received all of the information from the Commissioner of Revenue needed to prepare tax tickets for real estate, personal property, and machinery and tools. Mr. Stephens noted that the information had been entered into the computer, and he anticipated that tax tickets would be mailed on September 30th. Mr. Stephens noted that, preliminarily, it would appear that the estimated revenues generated by property taxes were going to be relatively close to what was anticipated. Mr. Stephens advised that real estate and personal property taxes were up slightly, while revenue from machinery and tools had declined slightly. He noted, however, that the net result of all property taxes would be relatively close to what was budgeted. Property tax tickets were mailed as early as possible in the past few years to give citizens the opportunity to have a more lengthy time in which to pay their taxes, which are all due on December 15th.
2. At the last meeting of Council, we had discussed incentives that would be offered by the Town in the Enterprise Zone that was being proposed for Progress Park. The Joint Industrial Development Authority had been developing the data, mapping, etc. needed to make application to the Virginia Department of Housing and Community Development, which would

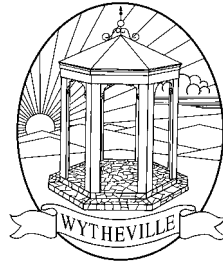
designate Progress Park as an Enterprise Zone. An Enterprise Zone is a specially designated district where new businesses and industries can receive certain financial incentives for the creation of new jobs. This past week, the state notified Wythe County that they had terminated, on a statewide basis, the application process for this year and would not receive any applications at all. The state did note that they did anticipate having another application process in the upcoming year. Hopefully, much of the data that had been entered to date will still be usable when the application cycle comes up again next year.

Jacqueline K. King

John W. Jones, Jr.

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Meeting Date:	Monday, September 27, 2004
Item Name:	Committee Reports
Item Number:	H-2
Subject:	Public Works Committee Report

SUMMARY:

The Public Works Committee will report on the following matters:

- a. "No Parking" designations at two Wytheville Redevelopment and Housing Authority sites
- b. Resolution adopting interim application process for wireless telecommunications facilities in lieu of moratorium

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PUBLIC WORKS COMMITTEE REPORT

SEPTEMBER 27, 2004

1. Our Committee met last week with Mr. Randy Martin, the Executive Director of the Wytheville Redevelopment and Housing Authority, who asked that we consider designating “No Parking” zones along the street at two of the Housing Authority’s residential sites. The two sites Mr. Martin identified were the site at Union and 24th Streets and the site at Pine and 24th Streets. Mr. Martin noted that there was ample parking space available for residents and visitors within each of these complexes and indicated that he would prefer that residents and visitors use the designated spaces rather than parking along the roadway. Our Committee visited both of these sites and would like to continue to review this inquiry and have additional discussions with the Housing Authority Board. We agree that it, potentially, could help the aesthetics of the perimeter of the Housing Authority sites with the new parking restrictions, but we also see that there may be a certain convenience aspect to the existing residents. We would anticipate that we will have a recommendation for the Council by our next meeting.
2. At the June 28th meeting of Council, our Committee recommended, and the Council subsequently approved, a resolution in lieu of moratorium on new cellular tower construction pending our development of a new ordinance regulating the location of new cellular towers. The resolution that we have in place at present will expire on September 28th, and it is necessary that we

extend this current interim application process some additional time until we have completed the process of adopting the new cellular tower regulations. The new regulations have been developed, and once they have been reviewed by the Town Attorney, they can be placed on the Council's agenda for adoption. It would be our recommendation that the current resolution be amended, extending its effective date until December 28, 2004.

William B. Weisiger

H. Judson Lambert

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**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, SEPTEMBER 13, 2004, 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 Attorney Robert P. Kaase, Patrol Officer Chris Irvin, Stephanie Porter-Nichols with Wytheville Enterprise, Larry Edwards, George T. Fisher, Agnes Eades, Kathy Desposito, Barry Anders, Robert G. Melton

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 August 23, 2004, and the request of the Wythe County Breast Cancer Coalition for waiver of fee for use of the Community Center on October 21, 2004, for an informational session. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to approve the consent agenda consisting of the minutes of the regular meeting of August 23, 2004, and the request of the Wythe County Breast Cancer Coalition for waiver of fee for use of the Community Center on October 21, 2004, for an informational session. Mayor Crewe inquired if there is any discussion on the motion. Vice-Mayor King stated that there was no mention in the minutes regarding Mr. Jerry Horn giving the Town a check for the Community Center Project and inquired if this should be in the minutes. Councilman Lambert stated this matter was in the minutes. Mayor Crewe noted this was mentioned in the minutes and it is on the bottom of the first page and on the top of the second page. He stated it is about ten lines down from the top of the second page. Vice-Mayor King stated she now sees it in the minutes. Mayor Crewe inquired if there is any other discussion on the minutes. 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 – ALLEY CLOSING

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider the request of Mr. Nick Kapranos to vacate and abandon an alley running parallel to Pine and Spiller Streets between 22nd and 24th Streets. He inquired if there are persons present who wish to address the Council regarding this matter. There being none, he declared the public hearing closed.

RE: PUBLIC HEARING – REZONING OF SOUTHERN PORTION OF PETUNIA ROAD

Mayor Crewe stated the meeting also constituted a public hearing (due notice having been given) to consider the rezoning of certain properties located on the west side of Petunia Road between Old Stage Road and West Lee Highway from R-3 Residential to R-2 Residential. 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.

RE: CITIZENS' PERIOD

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

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The Town received a communication today from the consulting engineering firm, Draper Aden Associates, who had prepared the plan for the Mount Rogers Planning District Commission, for the regional solid waste management plan. The Council had reviewed this plan earlier this spring. As the Council knows, the State is now requiring

that localities update their solid waste management plan. A decision was reached, and the Town was a participant, as well as all of the other governing bodies in the Mount Rogers Planning District Commission, to develop a regional solid waste management plan. Draper Aden's inquiry today is that the Council adopt the resolution, which has been presented to the Council at this meeting. Mayor Crewe advised that the resolution was placed around the table when the Council members arrived at the meeting. Councilman Jones noted they received the resolution. Mayor Crewe noted that the Council has previously reviewed this plan and, now, Draper Aden needs a formal resolution from the Council. Town Manager Sutherland stated that is correct. He noted the Council does not have to approve the resolution at this meeting, and it could be deferred for action until the next meeting if the Council wants to review the document. If the Council is so inclined, Draper Aden would request that the resolution be adopted by the Council. A motion was made by Councilman Jones and seconded by Vice-Mayor King to adopt the resolution regarding the regional solid waste management plan. 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.

2. Thursday morning, at the Budget and Finance Committee meeting, they heard this matter, but the Public Works Committee has not heard regarding the money that was budgeted in the Police Department's budget for new police cruisers. For the past several years, the Town has been leasing the police vehicles. The value of the lease on these two cruisers is \$17,000, and the Police Department has approximately \$35,000 in their budget. The Ford Motor Company requires that there be a Council action in the lease arrangement. Town Manager Sutherland noted he would ask the Council to authorize Town staff to execute the lease documents with Ford Motor Company. A motion was made by Councilman Lambert and seconded by Vice-Mayor King to authorize Town staff to execute the necessary lease documents for two police vehicles with the Ford Motor Company. 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.
3. In the Loretto subdivision, they have completed the final section of roadway. This road has not been formally named at this point in time, but when the developers submitted all of the information, they requested that the road be designated as "Davis Circle." Mayor Crewe noted that unless someone on Council has a problem, this is the name that Town staff would assign to the road. Town Manager Sutherland stated that is correct unless the Council would like to name the road a different name. It was the consensus of the Town Council to name the road in the Loretto subdivision as "Davis Circle."

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, reported that in 2000, the Council made certain amendments to the Procurement Ordinance to permit Council to competitively negotiate for insurance services. He advised at that point, the Council determined that competitive, sealed bidding was neither practical nor fiscally advantageous to the Town. Councilman Jones stated that as members of the Council know, the Town's insurance programs are very important, and it is difficult, if not impossible, to accept sealed bids on the various components of an insurance program. He noted that because of the range of insurances the Town must have, and to ensure that there are no uncovered exposures, the Committee requested Bankers Insurance, L.L.C., to act as the Town's broker to competitively bid the Town's insurance programs with various insurance companies. Councilman Jones indicated that at a recent meeting, Mr. Steve Lester, Jr., provided them with an overview of the most cost effective insurances that were available to adequately protect the Town's exposures. He stated that Mr. Lester noted the pricing of the insurance industry is escalating and, as such, solicited quotations from a number of insurance companies. Councilman Jones remarked that Mr. Lester reviewed, in detail, the various components of the Town's insurance program for the coming year and noted that the total annual premium for the next year will be \$123,391. He stated that the Committee has attached for the Council's review a tabulation of premiums for the various coverages for the upcoming year. Councilman Jones explained that because of time constraints, it was necessary to advise Mr. Lester of the Town's intent, and the Committee requested him to bind the Town's insurance. He stated the Committee would recommend that the Council now take formal action to approve the insurance coverage through Bankers Insurance, L.L.C., for the upcoming year. Mayor Crewe inquired if anyone on Council has any problems with taking action to approve the insurance coverage through Bankers Insurance, L.L.C., for the upcoming year. He noted that the Public Works Committee has

also reviewed this information. A motion was made by Councilman Jones and seconded by Vice-Mayor King to approve the insurance coverage through Bankers Insurance, L.L.C., for the upcoming year. 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.

Councilman Jones also reported that recently, the Committee reviewed a request from the Wythe-Grayson Regional Library for an appropriation of funds to be used by the library for operational expenses. He stated that as the Town understands, the Regional Library has had a reduction in revenues due to state and federal budget cutbacks. He noted that the Wytheville branch of the Regional Library is used extensively by the town citizens, and, certainly, the Town would like to assist the library in order that they can maintain current services. Councilman Jones advised that recently, the Wythe County Board of Supervisors approved an additional appropriation of \$6,000 to the Regional Library. He indicated that it has been the practice of the Town and County for many years to fund these types of requests using a pro rata formula based on population. Councilman Jones noted that as such, it is the recommendation of the Budget and Finance Committee that the Council appropriate 28 percent of the amount appropriated by Wythe County, or a total of \$1,680, to the Regional Library. He stated that assuming this recommendation is approved, the Committee would also recommend that the Town Treasurer be authorized to forward these funds to the Regional Library as soon as possible. A motion was made by Councilman Jones and seconded by Vice-Mayor King that the Council appropriate \$1,680 to the Wythe-Grayson Regional Library and that the Town Treasurer be authorized to forward these funds to the Regional Library as soon as possible. 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.

Councilman Jones also reported that recently, the Town has received a request from Dr. J. J. Booker to obtain out of town water service for his property, which is located just out of the corporate limits on the west side of North Fourth Street. He noted that an out of town water service requires approval by the Council and by the Wythe County Board of Supervisors. Councilman Jones stated that Dr. Booker's property is immediately adjacent to the corporate limits, though it is not within the corporate limits. Councilman Jones indicated that the Committee sees no problem with the extension of an out of town water service to Dr. Booker and would recommend that it be approved. He stated that additionally, the Committee would request that this inquiry be sent to the Board of Supervisors for their approval. A motion was made by Councilman Jones and seconded by Vice-Mayor King that the Council approve an out of town water service to Dr. J. J. Booker and that the Council send this inquiry to the Wythe County Board of Supervisors for their approval. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None. A copy of the 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 earlier in the meeting, a public hearing was conducted to consider vacating and abandoning an alley bounded by Pine, Spiller, 22nd, and 24th Streets. He noted that at the last meeting of Council, the Public Works Committee was appointed to serve as viewers, as prescribed by State law, to determine if the closing of this alley was of any detriment to the Town's interest. Councilman Lambert advised that at the last Committee meeting, the Committee did, in fact, tour this area and agree that the existing alley has no practical purpose to the Town. He stated the Committee would note it is their recommendation that a utility easement be maintained over the entire width of this existing alley. Councilman Lambert indicated there are no plans for using this alley for any utilities, but the Committee thinks it would be in the Town's best interest to maintain this flexibility for the future. He noted that later in the meeting, the Council will consider an ordinance concerning vacating and abandoning this alley, and it would be the recommendation of the Public Works Committee that the rules be suspended and the ordinance be approved on first and final reading. Mayor Crewe advised that the Council will consider the ordinance later in the meeting.

Councilman Lambert also reported that several months ago, the Council approved an agreement known as the "New River Regional Water Authority Preliminary Service Agreement," which established the relationship among Wythe County, Carroll County, and the Town of Wytheville in the development of a regional water system. He noted that as the Council may recall, the Preliminary Service Agreement was adopted to satisfy various funding

agencies, who wanted to know that there was, in fact, a formal arrangement between the three parties. Councilman Lambert noted that the Authority's attorney is currently working on a more detailed service agreement, but that document is some months away from being approved. He advised that subsequent to the Council's approval of the Preliminary Service Agreement, both Wythe County and Carroll County felt that paragraph number 4 needed to be amended slightly to include the words "if the documents are satisfactory" immediately following the word "documents" in the first sentence. Councilman Lambert remarked that the Committee does not think this changes the intent or character of the document and, as such, would request the Council to approve this Preliminary Service Agreement, as amended. A motion was made by Councilman Lambert and seconded by Councilman Weisiger that the Council approve the New River Regional Water Authority Preliminary Service Agreement, as amended. Mayor Crewe noted that the Council has the agreement before them, and the motion is for the Council to approve the amendments to the Preliminary Service Agreement. 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. Mayor Crewe noted that the Town will inform Wythe County and Carroll County that the Town of Wytheville has approved the amendments to the Preliminary Service Agreement.

Councilman Lambert also reported that as the Council knows, the Wytheville Redevelopment and Housing Authority has acquired a parcel of land on Cassell Road on which they desire to construct additional apartments. He explained that the Housing Authority property borders on a section of Town right of way that, for all practical purposes, is not currently being used by the Town. Councilman Lambert remarked that a number of years ago, Cassell Road had a number of meandering curves in it, and a road project was undertaken to straighten several curvy sections of the road. He noted that one of the curvy sections that was eliminated is the section of property that the Housing Authority property abuts. Councilman Lambert stated that the Housing Authority has requested that the Town consider abandoning this small section of right of way between their property line and the existing roadway such that it would facilitate the construction of their apartment units. He noted the Committee has reviewed this, and, preliminarily, does not see any problems with this request. Councilman Lambert indicated that the Council will, however, have to go through the same procedures as they did earlier in this meeting with regard to the alley. He stated that as such, it would be the Committee's recommendation that the Public Works Committee be appointed as viewers for this request and that a public hearing be set for the October 11 meeting of Council. Mayor Crewe inquired if any of the Council members have any problems with setting a public hearing for the October 11, 2004, meeting to consider the request of the Housing Authority to abandon this portion of right of way. There being no objections, it was the consensus of the Council to set a public hearing for the October 11, 2004, meeting to consider the request of the Wytheville Redevelopment and Housing Authority for the abandonment of right of way on Cassell Road. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: ORDINANCE NO. 1177 – PETUNIA ROAD REZONING

Mayor Crewe presented Ordinance No. 1177, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone certain properties located on the west side of Petunia Road between Old Stage Road and West Lee Highway from R-3 Residential to R-1 Residential, on third and final reading. He noted there are two ordinances, with one being Ordinance No. 1177, which was approved at the last Council meeting on second reading with the provision that the southern properties not be included. Mayor Crewe remarked that when he opened the public hearing, there was no one in attendance. He explained that if someone would like to address the Council regarding this particular ordinance, the Council will be glad to hear from him or her. Mayor Crewe noted that this ordinance does not affect the southern properties on Petunia Road, but only the northern properties. He inquired if there are persons present who wish to address the Council at this time. He stated this does affect Mr. Barry Anders' property, and Mr. Anders does not have to speak but since he was not present when the public hearing was held earlier, and noted that the Council meeting started promptly at 7:00 p.m., the Council would be glad to hear any comments that anyone would like make, if they care to make any. There being no one who desired to address the Council, a motion was made by Councilman Jones and seconded by Councilman Lambert to approve Ordinance No. 1177, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone certain properties located on the west side of Petunia Road between Old Stage Road and West Lee Highway from R-3 Residential to R-1 Residential, 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 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. 1177 was approved on third and final reading. Mayor Crewe noted that this means the zoning is now granted to the properties on the northern side of Petunia Road. He explained this is now a completed process as of the action of Council at this meeting.

RE: ORDINANCE NO. 1179 – ALLEY CLOSING

Mayor Crewe presented Ordinance No. 1179, an ordinance vacating and abandoning an alley running parallel to Pine and Spiller Streets between 22nd and 24th Streets, on first reading. He noted the recommendation from the Public Works Committee is that the rules be suspended and the ordinance be adopted on first and final reading. A motion was made by Councilman Lambert and seconded by Councilman Weisiger to suspend the rules and adopt Ordinance No. 1179, an ordinance vacating and abandoning an alley running parallel to Pine and Spiller Streets between 22nd and 24th Streets, on first and final reading. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition:

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

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1179 was adopted on first and final reading. Mayor Crewe noted the alley is now abandoned with the reservation of the utility easement.

RE: ORDINANCE NO. 1180 – REZONING OF SOUTHERN PORTION OF PETUNIA ROAD

Mayor Crewe presented Ordinance No. 1180, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone certain properties located on the west side of Petunia Road between Old Stage Road and West Lee Highway from R-3 Residential to R-2 Residential, on first reading. He noted this is the ordinance that affects several people attending the meeting. Mayor Crewe advised that this ordinance rezones from R-3 Residential to R-2 Residential the southern portion of properties on Petunia Road between Old Stage Road and West Lee Highway. He noted no one has to speak, but if they desired, the Council will be glad to hear from them at this time. There being no one who wished to address the Council, a motion was made by Councilman Lambert and seconded by Vice-Mayor King to suspend the rules and adopt Ordinance No. 1180, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone certain properties located on the west side of Petunia Road between Old Stage Road and West Lee Highway from R-3 Residential to R-2 Residential, on first and final reading. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition:

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

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1180 was adopted on first and final reading. Mayor Crewe advised that this means the zoning changes to R-2 Residential and is effective immediately.

RE: RESOLUTION – TOBACCO INDEMNIFICATION AND COMMUNITY REVITALIZATION COMMISSION FUNDS

Mayor Crewe stated the next agenda item is the consideration of a resolution authorizing the Town to apply for Tobacco Indemnification and Community Revitalization Commission funds for the Southwest Virginia Artisans Market. He noted this resolution is for the amount of \$120,000. A motion was made by Vice-Mayor King and seconded by Councilman Jones to approve the resolution authorizing the Town to apply for Tobacco Indemnification and Community Revitalization Commission funds for the Southwest Virginia Artisans Market. Mayor Crewe inquired if there is any discussion on the motion. Mayor Crewe noted this resolution only

means the Town is applying for the money and will see if it is awarded and inquired if that is correct. Town Manager Sutherland stated that is correct. There being no further discussion, 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: RESOLUTION – APPALACHIAN REGIONAL COMMISSION FUNDS

Mayor Crewe stated the next agenda item is the consideration of a resolution authorizing the Town to apply for Appalachian Regional Commission funds for the Southwest Virginia Artisans Market. He noted this resolution is for \$500,000. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to adopt the resolution authorizing the Town to apply for Appalachian Regional Commission funds for the Southwest Virginia Artisans Market. 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 – SOUTHWEST REGIONAL ENTERPRISE CENTER

Mayor Crewe stated the next agenda item is the appointment of a member to the Southwest Regional Enterprise Center. A motion was made by Councilman Jones and seconded by Councilman Lambert to reappoint Charles G. Crockett to the Southwest Regional Enterprise Center. 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: ALCO PROPERTY TITLE

Councilman Jones inquired if there is or is not a deed that is prepared as far as giving Alco the title to their property so the Town can obtain the easement in order to get the electric line across the Alco property. Town Attorney Kaase answered that there is a deed. Mayor Crewe inquired if Town Attorney Kaase knows the status of the deed. Town Attorney Kaase stated he would suggest that the Council consider going into a closed meeting to deal with a property matter and/or a legal matter. He remarked that he thinks the Council will be better served in this regard to go into a closed meeting and do this. Mayor Crewe inquired if this fits within the open meeting exemptions. Town Attorney Kaase stated that is correct.

Mayor Crewe inquired if there is anything that needs to be discussed in open session.

RE: MOUNT ROGERS FALL DINNER MEETING

Vice-Mayor King advised that she attended the Mount Rogers Fall Dinner Meeting in Bristol on September 2, 2004. Mayor Crewe thanked Vice-Mayor King for attending this meeting.

RE: CLOSED MEETING

Mayor Crewe stated it will be necessary for the Council to hold a closed meeting as permitted by Virginia Code §2.2-3711(A)(7) to consult with legal counsel regarding a legal matter and Virginia Code §2.2-3711(A)(3) for property acquisition with reference to Wytheville Community College and Alco Controls. A motion was made by Councilman Jones and seconded by Vice-Mayor King to hold a closed meeting as permitted by Virginia Code §2.2-3711 (A)(7) and §2.2-3711 (A)(3) to consult with legal counsel regarding a legal matter and property acquisition with reference to Wytheville Community College and Alco Controls. 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. (7:25 p.m.)

Mayor Crewe stated he does not anticipate the Council taking any action when they come out of the closed meeting. He stated he did not think this would be a lengthy session, and the citizens and media are welcome to stay if they desire to attend the meeting when the Council reconvenes to open session. Mayor Crewe reiterated that he did not think the Council will be voting on anything when they reconvene, but will only be giving an update, and this is what he anticipates.

Mayor Crewe thanked the citizens for attending the Council meeting.

RE: RECONVENE TO OPEN SESSION

A motion was made by Councilman Jones and seconded by Vice-Mayor King to reconvene to open session. 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: CERTIFICATION OF CLOSED MEETING

A motion was made by Councilman Jones and seconded by Vice-Mayor King that only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies and that only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Wytheville Town Council. The motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None. A copy of the certification is attached and made part of these minutes. (7:45 p.m.)

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, CMC, Clerk of Council

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BUDGET AND FINANCE COMMITTEE REPORT

SEPTEMBER 13, 2004

1. In 2000, the Council made certain amendments to the Procurement Ordinance to permit Council to competitively negotiate for insurance services. At that point, the Council determined that competitive, sealed bidding was neither practical nor physically advantageous to the Town. As members of Council know, the Town's insurance programs are very important, and it is difficult, if not impossible, to accept sealed bids on the various components of an insurance program. Because of the range of insurances that we must have, and to ensure that there are no uncovered exposures, our Committee requested Bankers Insurance, L.L.C., to act as the Town's brokers to competitively bid our insurance programs with various insurance companies. At a recent Committee meeting, Mr. Steve Lester, Jr., provided us with an overview of the most cost effective insurances that were available to adequately protect our exposures. Mr. Lester noted that the pricing of the insurance industry is escalating and, as such, solicited quotations from a number of insurance companies. Mr. Lester reviewed, in detail, the various components of our insurance program for the coming year and noted that the total annual premium for the next year will be \$123,391. We have attached for your review a tabulation of premiums for the various coverages for the upcoming year. Because of time constraints, it was necessary to advise Mr. Lester of our intent, and we requested him to bind our insurance. We would

recommend that the Council now take formal action to approve the insurance coverage through Bankers Insurance, L.L.C., for the upcoming year.

2. Recently, our Committee reviewed a request from the Wythe-Grayson Regional Library for an appropriation of funds to be used by the library for operational expenses. As we understand, the Regional Library has had a reduction in revenues due to state and federal budget cutbacks. The Wytheville branch of the Regional Library is used extensively by our citizens, and, certainly, we would like to assist the library in order that they can maintain current services. Recently, the Wythe County Board of Supervisors approved an additional appropriation of \$6,000 to the Regional Library. It has been the practice of the Town and County for many years to fund these types of requests using a pro rata formula based on population. As such, it is the recommendation of the Budget and Finance Committee that the Council appropriate 28 percent of the amount appropriated by Wythe County, or a total of \$1,680, to the Regional Library. Assuming this recommendation is approved, we would also recommend that the Town Treasurer be authorized to forward these funds to the Regional Library as soon as possible.
3. Recently, we received a request from Dr. J. J. Booker to obtain out of town water service for his property, which is located just out of the corporate limits on the west side of North Fourth Street. An out of town water service requires approval by the Council and by the Wythe County Board of Supervisors. Dr.

Booker's property is immediately adjacent to the corporate limits, though it is not within the corporate limits. We see no problem with the extension of an out of town water service to Dr. Booker and would recommend that it be approved. Additionally, we would request that this inquiry be sent to the Board of Supervisors for their approval.

Jacqueline K. King

John W. Jones, Jr.

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PUBLIC WORKS COMMITTEE REPORT

SEPTEMBER 13, 2004

1. Earlier this evening, a public hearing was conducted to consider vacating and abandoning an alley bounded by Pine, Spiller, 22nd and 24th Streets. At the last meeting of Council, our Committee was appointed to serve as viewers, as prescribed by State law, to determine if the closing of this alley was of any detriment to the Town's interest. At our last Committee meeting, we did, in fact, tour this area and agree that the existing alley has no practical purpose to the Town. We would note that it is our recommendation that a utility easement be maintained over the entire width of this existing alley. There are no plans for using this alley for any utilities, but we think it would be in our best interest to maintain this flexibility for the future. Later this evening, the Council will consider an ordinance concerning vacating and abandoning this alley, and it would be the recommendation of the Public Works Committee that the rules be suspended and that the ordinance be approved on first and final reading.
2. Several months ago, the Council approved an agreement known as the "New River Regional Water Authority Preliminary Service Agreement," which established the relationship among Wythe County, Carroll County and the Town of Wytheville in the development of a regional water system. As you may recall, the Preliminary Service Agreement was adopted to satisfy various funding agencies, who wanted to know that there was, in fact, a formal

arrangement between the three parties. The Authority's attorney is currently working on a more detailed service agreement, but that document is some months away from being approved. Subsequent to the Council's approval of the Preliminary Service Agreement, both Wythe County and Carroll County felt that paragraph number 4 needed to be amended slightly to include the words "if the documents are satisfactory" immediately following the word "documents" in the first sentence. We do not think this changes the intent or character of the document and, as such, would request the Council to approve this Preliminary Service Agreement as amended.

3. As the Council knows, the Wytheville Redevelopment and Housing Authority has acquired a parcel of land on Cassell Road on which they desire to construct additional apartments. The Housing Authority property borders on a section of Town right of way that, for all practical purposes, is not currently being used by the Town. A number of years ago, Cassell Road had a number of meandering curves in it, and a road project was undertaken to straighten several curvy sections of the road. One of the curvy sections that was eliminated is the section of property that the Housing Authority property abuts. The Housing Authority has requested that the Town consider abandoning this small section of right of way between their property line and the existing roadway such that it would facilitate the construction of their apartment units. The Committee has reviewed this, and, preliminarily, does not see any problems with this request. We will, however, have to go through

the same procedure as we did earlier this evening with regard to the alley. As such, it would be our recommendation that our Committee be appointed as the viewers for this request and that a public hearing be set for the October 11 meeting of Council.

William B. Weisiger

H. Judson Lambert

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A RESOLUTION ADOPTING AN INTERIM APPLICATION PROCESS
FOR WIRELESS TELECOMMUNICATIONS FACILITIES
IN LIEU OF MORATORIUM

THE BEST OF BOTH WORLDS - EVERYONE WINS

WHEREAS, by the enactment of the Telecommunications Act of 1996, there is anticipated continued substantial growth in the erection of wireless telecommunications facilities; and,

WHEREAS, there has been discussion concerning the construction and impact of such facilities within the Town of Wytheville; and,

WHEREAS, in response to recent changes in Federal regulations and technology, the Town Council wishes to review its current regulatory mechanism regarding wireless facilities, especially as regards the impact of the facilities on the community and controlling and minimizing such impact and assuring the safety of towers and wireless facilities; and,

WHEREAS, the Town of Wytheville wishes to implement, revise or replace an ordinance to more effectively protect the health, safety and welfare of the community, and to remove or change certain sections pursuant to recent case law to assure the orderly development of wireless technology in the community, including but not limited to the development of procedures governing the filing of an application, for reviewing and analyzing an application, and for granting a permit to construct, modify and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services; and,

WHEREAS, a reasonable time for the Town of Wytheville to complete its aforementioned review, and for the Town of Wytheville to enact any required legislation resulting therefrom is deemed to be ninety (90) days from the date such local law enacting said Interim Application Process is adopted; and,

WHEREAS, the Town of Wytheville has no pending formal applications for wireless telecommunications facilities that it has formally accepted; and,

WHEREAS, this Interim Application Process is not meant to be prohibitive or exclusionary in nature, during the pendency of the adoption of the new/revised/updated regulations, applications for a building permit, special use permit or site plan approval, or use variance or other necessary approval for a monopole, lattice tower or other telecommunications antennae installations, including, but not limited to cellular/PCS antennae installations, shall be accepted and processed by the Town of Wytheville. However, in accepting an application during the period of this Interim Application Process any application must be accompanied by payment of \$8,500.00 for consulting costs to assist the Town of Wytheville in evaluating the application, and further, if a permit is issued it will be issued pursuant to any changes in the Wytheville Town Code and that any unexpended balance of the deposit shall promptly be returned at the conclusion of the application process. BE IT ENACTED by the Town Council of the Town of Wytheville, Virginia, as follows:

Section 1. A three (3) month Interim Application Process, effective upon the date of adoption of this local ordinance

There is hereby enacted a ninety (90) day Interim Application Process for the issuance of permits by the Town of Wytheville on applications for the construction of wireless telecommunications towers, facilities and related facilities.

Section 2. Effective Date: This local law shall take effect immediately upon passage

Adopted this 27th day of September, 2004.

Trenton G. Crewe, Jr., Mayor

ATTEST:

Sharon P. Hackler, Clerk of Council