

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, DECEMBER 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 Tommy Lester, Stephanie Porter-Nichols with Wytheville Enterprise, Sallie Callahan, Paul Callahan

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 22, 2004, and the request of the Concerned Citizens Network of Wythe County to hold the Martin Luther King, Jr. March on January 16, 2005. Mayor Crewe noted that the Concerned Citizens Network is requesting a parade permit to march down Main Street from the Bethel AME Church to the Wytheville Community Center, and, they are also requesting that the fees be waived for use of the Bingo Room from 1:00 p.m. to 4:00 p.m. that afternoon. 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 22, 2004, and the request of the Concerned Citizens Network for a parade permit for the Martin Luther King, Jr., March on January 16, 2005, and for waiver of fee for use of the Community Center on January 16, 2005, from 1:00 to 4:00 p.m. for the Martin Luther King, Jr. Celebration. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: PUBLIC HEARING – CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider the Certificates of Public Convenience and Necessity during 2005 for Premier Taxi Service, LLC for the operation of taxicabs and for Blue Ridge Medical Transport, Incorporated, Guardian Ambulance Service, and LifeCare Medical Transports, Incorporated for the operation of public vehicles. He noted that the ordinance requires that the vehicles be inspected by the Police Department, and the liability insurance in the appropriate amount of not less than \$50,000 per person and \$100,000 per accident and property damage in the amount of \$5,000 all has to be verified, and the Council has all of this information before them at this meeting. Mayor Crewe remarked that, in fact, the Police Department has conducted the inspections and verifications and concluded that everything is proper and in order. He indicated he is not suggesting that anyone has to, but if someone would like to address the Council during this public hearing, the Council will be glad to hear from him or her. There being no one to address the Council, Mayor Crewe declared the public hearing closed. Mayor Crewe advised that the Council will take action on this matter later in the meeting.

RE: CITIZENS' PERIOD

Mayor Crewe noted the next agenda item is Citizens' Period. He 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. Distributed around the Council table is a quitclaim deed. On the back page of this set of documents, the Council will see highlighted in yellow a location where there was a sanitary sewer line situated at the Wytheville Commons Shopping Center. This is an area, as the Council reviews this at the top of the page, that is Interstate 81. On the left hand side of the page is the vicinity of the Sam Goody's record store, and on the right

hand side of the page would be in the direction of Wendy's for this parcel. This sewer line has been relocated, and this was the original document from the Wytheville Commons Shopping Center representatives who attended the Planning Commission and Town Council meetings. This sanitary line was to be abandoned, and this line has been relocated. The Wytheville Commons Shopping Center is in the process of selling this parcel of land, and it was determined that the Town had never abandoned this section of sewer line. It has always been anticipated that the abandonment would happen. The Wytheville Commons Shopping Center developers did, in fact, relocate the sewer, and, now, they are seeking to finalize this process with this quitclaim deed. The deed is plagiarized from several that Town Attorney Kaase has prepared in the past, so, Town staff thinks it is acceptable. After the Council has had the opportunity to review the quitclaim deed, Town staff would suggest that it be approved. Mayor Crewe noted that he thinks the language the Council needs to concern itself with is at the bottom of the first page of the deed that states, "Whereas, by motion duly adopted by Council today, we approve the execution of this deed." He stated the motion he is seeking is for someone to move granting authority to the Mayor to sign the deed and proceed with the recordation and delivery of that deed. He noted that authority will need to be given to the Mayor and to the Town Clerk to attest his signature. A motion was made by Vice-Mayor King and seconded by Councilman Jones to authorize the Mayor to sign the quitclaim deed, and the Town Clerk to attest his signature, abandoning a sanitary sewer easement in the Wytheville Commons Shopping Center. Mayor Crewe inquired if there is any discussion on the motion. Mayor Crewe advised that he noticed the deed has the word "secretary" in it versus "Town Clerk." He noted this language needs to be changed to reflect the words "Town Clerk." Town Clerk Hackler advised that she would assume this is how the other deeds were prepared, and that is why the deed has this language. Mayor Crewe stated the motion is to authorize the proper parties, which is the Mayor and the Town Clerk, to execute the deed once it is in proper form. He inquired if there is any further discussion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None. Mayor Crewe advised that the deed will be executed as soon as the wording is changed, and they will probably sign the deed tomorrow.

2. The Committee meetings will be held on their regular dates and times this week, and then the Committee meetings will be dispensed for the remainder of December.
3. The New River Regional Water Authority will meet this Thursday, December 16, at 1:30 p.m.
4. The Crossroads Regional Industrial Facility Authority will meet at 9:00 a.m. on December 20 at the Joint IDA offices.
5. The Town will observe the Christmas holidays on December 23 and 24, 2004.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, stated that at the last meeting of Council, the Committee suggested certain amendments to the Town's cemetery regulations with regard to how many cremain vaults can be placed in a grave space or niche at the mausoleum. She advised that as the Council may recall, the proposed amendments were as follows: "All interments in a grave space may have only one of the following: (1) One full-sized vault (adult or child more than one year old) and one cremain vault, exclusive of the mausoleum; (2) Two cremain vaults, inclusive of the mausoleum; (3) Two infant (child less than one year old) vaults, inclusive of the mausoleum; (4) One infant vault and one cremain vault, inclusive of the mausoleum." Vice-Mayor King remarked that as suggested, the Committee forwarded these proposed amendments to the local funeral directors for comment. She noted that to date, the Town has not received any responses with regard to these proposed amendments. Vice-Mayor King advised that as such, later in the meeting when the Council considers these amendments in ordinance form, the Committee would suggest that the rules be suspended and that the amendments be approved on first and final reading.

Vice-Mayor King also reported that in July of this year, the Council considered and approved the budget for the construction and operation of the proposed community center. She noted that at that time, the project had not been bid, and the project budgets were only speculative. Vice-Mayor King explained that since that time, the Town has received bids on the new Community Center Project and has a firm price for the construction of this new facility. She advised, also, since then, the Town has reworked some of the expenses associated with the operations and maintenance of this new facility. She stated the Committee has attached for the

Council project budgets depicting the operations and maintenance expenses for the new facility as well as a tabulation of the revenues that will be used towards meeting these expenses. She noted that the lending institution, Rural Development, has requested that the Council adopt these updated budget figures prior to the Town going to loan closing on this project. Vice-Mayor King stated it is the recommendation of the Budget and Finance Committee that the documents attached noted as *Operating Budget Form No. 0575-0015* and the *Project Planning Factors* both be approved and submitted to Rural Development. A motion was made by Vice-Mayor King and seconded by Councilman Jones that the *Operating Budget Form No. 0575-0015* and the *Project Planning Factors* be approved and submitted to Rural Development. Mayor Crewe inquired if there is any discussion on the motion and noted that he knows both Committees reviewed these documents. There being no 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.

Vice-Mayor King also reported that the Town has received a request from the Hope Ministry Center seeking a donation to their organization in an amount equivalent to the current year's real estate taxes for the Town. She noted that the Hope Ministry Center is located on West Main Street in the building formerly occupied by Appalachian Power Company. Vice-Mayor King advised that Mr. and Mrs. George Keck of Bland County own this building and provide it to the Hope Ministry Center free of cost, with the exception of expenses associated with taxes and real estate. She noted that the agencies sharing resources being located in the Hope Ministry Center building include Mountain Shelter, Incorporated; the Appalachian Independence Center; District III Governmental Cooperative; Lutheran Family Services of Virginia; Mountain Community Action Program; and the United Way of Wythe County. Vice-Mayor King advised that the total real estate taxes for the building and lot are \$248.94. She remarked that recently, the Wythe County Board of Supervisors received the same request from the Hope Ministry Center for a donation equivalent to the County real estate taxes. Vice-Mayor King advised that the Board of Supervisors approved the request, and the Committee agrees that the work being performed by these agencies merits the Town's assistance. She stated, therefore, it would be the recommendation of the Budget and Finance Committee that the Town make a donation of \$248.94 to the Hope Ministry Center. A motion was made by Vice-Mayor King and seconded by Councilman Jones that the Town make a donation to the Hope Ministry Center in the amount of \$248.94. 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 at the September 27 meeting of Council, the Council adopted a resolution in lieu of moratorium on new cellular tower construction pending the Town's development of a new ordinance regulating the location of new cellular towers. He advised that the extension that was adopted in September was for 90 days, and, therefore, the current interim resolution will expire on December 28, 2004. Councilman Lambert stated, therefore, it is necessary that the Council once again extend the effective date of this interim resolution. He noted that the Public Works Committee would recommend that an extension of 180 days be imposed. Councilman Lambert advised that it is imperative that the Town finalize the legal review of the new resolution and have action by the Planning Commission and the Town Council prior to the expiration of this latest extension. He stated, therefore, it is the recommendation of the Public Works Committee that Council approve a 180 days extension of the interim application process for the issuance of permits for the construction of wireless telecommunications, facilities, and related facilities with the expiration of this interim legislation being June 13, 2005. Mayor Crewe advised that the Council will consider this resolution later in the meeting.

Councilman Lambert also reported that at the last meeting of Council, Mr. H. S. Ingo, who resides at 450 West Ridge Road, appeared before the Council and expressed concerns about the lack of maintenance on a parcel of property that abuts his rear property line. He noted that Mr. Ingo stated he thought the property needed to be mowed, and, also, that he had concerns about wild animals that were residing in this area. Councilman Lambert remarked that the Council asked the Public Works Department to review this situation, and they determined that this property had, in fact, only been mowed once this past mowing season. He stated that Town forces proceeded last week with mowing the property to the extent it was feasible. Councilman Lambert advised that the Town has contacted Mr. Ingo to determine if he was satisfied with these improvements or if he had other concerns. He noted that at this point, the Town has not had additional comments from Mr. Ingo. Councilman Weisiger remarked that the Committee might note, also, that they advised Mr. Ingo that the Town could make the

services of Animal Warden Bill Scott available to him if he thought the animal problem was continuing. He explained that there is no action required by the Council on this matter, but the Committee merely wanted to update the Council on the inquiry that was received at the last meeting.

Councilman Lambert reported that the Committee received a request from the Fire Department to authorize the removal of one parking space along the north side of Spring Street in front of the overhead doors to the firehouse. He remarked that according to the Fire Department, the size of the new truck makes it extremely difficult to maneuver in and out of the building. Councilman Lambert stated the Committee agrees that the elimination of one space is of benefit to the Fire Department, and, as a matter of fact, may be of benefit to large trucks that regularly deliver to Wordsprint. He noted, therefore, it would be the recommendation of the Public Works Committee that the Council authorize Town forces to proceed with the installation of the appropriate markings and signs to eliminate this space. A motion was made by Councilman Lambert and seconded by Councilman Weisiger to eliminate one parking space along the north side of Spring Street in front of the overhead doors to the firehouse and to authorize Town forces to proceed with the installation of the appropriate markings and signs to eliminate this space. 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 Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: ORDINANCE NO. 1182 – CEMETERY REGULATIONS

Mayor Crewe presented Ordinance No. 1182, an ordinance amending and reenacting Chapter 5, Cemeteries, Section 5-3, Interments, of the Code of the Town of Wytheville, Virginia, on first reading. He noted this is the ordinance that changes the provisions about the burial requirements at the cemeteries and the mausoleum. A motion was made by Vice-Mayor King and seconded by Councilman Jones to suspend the rules and adopt Ordinance No. 1182, an ordinance amending and reenacting Chapter 5, Cemeteries, Section 5-3, Interments, of the Code of the Town of Wytheville, Virginia, 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. 1182 was adopted on first and final reading.

RE: RESOLUTION – WIRELESS TELECOMMUNICATIONS FACILITIES

Mayor Crewe stated the next agenda item is the consideration of a resolution adopting an interim application process for wireless telecommunications facilities in lieu of moratorium. He noted this is the resolution that was recommended by the Public Works Committee that extends the wireless telecommunications facilities moratorium for 180 days. A motion was made by Councilman Lambert and seconded by Councilman Weisiger to approve the resolution adopting an interim application process for wireless telecommunications facilities in lieu of moratorium. 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: CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Mayor Crewe stated the next agenda item is the consideration of renewing the Certificates of Public Convenience and Necessity during 2005 for Premier Taxi Service, LLC for the operation of taxicabs and for Blue Ridge Medical Transport, Incorporated, Guardian Ambulance Service, and LifeCare Medical Transports, Incorporated for the operation of public vehicles. He noted the Council received the information in their packets, and everything seems to be in order with all of the companies. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to renew the Certificates of Public Convenience and Necessity during 2005 for Premier Taxi Service, LLC for the operation of taxicabs and for Blue Ridge Medical Transport, Incorporated, Guardian Ambulance Service, and LifeCare Medical Transports, Incorporated

for the operation of public vehicles. 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: CHRISTMAS PARADE FLOAT

Mayor Crewe advised that the Town Council Christmas float placed first in the Christmas parade under the impetus of Vice-Mayor King. Vice-Mayor King stated that Mrs. Jeanette Wood and Mr. Tommy Seagle put forth a lot of effort on the float. Mayor Crewe noted that everyone did a good job on the float, and it turned out well.

RE: ADJOURNMENT

Mayor Crewe advised that barring any unforeseen circumstances or an emergency meeting, this will be the Council's last official Town Council meeting for the calendar year. He noted that the Town Council Committees will meet this week, but the Town Council will not be holding another meeting until January. Mayor Crewe wished everyone happy holidays. There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting. (7:20 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

PUBLIC WORKS COMMITTEE REPORT

DECEMBER 13, 2004

1. At the September 27 meeting of Council, the Council adopted 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 extension that was adopted in September was for 90 days, and, therefore, the current interim resolution will expire on December 28, 2004. Therefore, it is necessary that we once again extend the effective date of this interim resolution. We would recommend that an extension of 180 days be imposed. It is imperative that we finalize the legal review of the new resolution and have action by the Planning Commission and the Town Council prior to the expiration of this latest extension. Therefore, it is the recommendation of the Public Works Committee that Council approve a 180 days extension of the interim application process for the issuance of permits for the construction of wireless telecommunication towers, facilities, and related facilities with the expiration of this interim legislation being June 13, 2005.
2. At the last meeting of Council, Mr. H. S. Ingo, who resides at 450 West Ridge Road, appeared before the Council and expressed concerns about the lack of maintenance on a parcel of property that abuts his rear property line. Mr. Ingo stated that he thought that the property needed to be mowed, and, also, that he had concerns about wild animals that were residing in this area. We asked the Public Works Department to review this situation, and they determined that

this property, had, in fact, only been mowed once this past mowing season. Town forces proceeded last week with mowing the property to the extent that it was feasible. We have contacted Mr. Ingo to determine if he was satisfied with these improvements or if he had other concerns. At this point, we have not had additional comments from Mr. Ingo. We might note, also, that we advised Mr. Ingo that we could make the services of Animal Warden Bill Scott available to him if he thought the animal problem was continuing. There is no action required by the Council on this matter, but we merely wanted to update you on the inquiry that was received at the last meeting.

3. Our Committee received a request from the Fire Department to authorize the removal of one parking space along the north side of Spring Street in front of the overhead doors to the firehouse. According to the Fire Department, the size of the new truck makes it extremely difficult to maneuver in and out of the building. We agree that the elimination of one space is of benefit to the Fire Department, and, as a matter of fact, may be of benefit to large trucks that regularly deliver to Wordsprint. Therefore, it would be the recommendation of the Public Works Committee that we authorize Town forces to proceed with the installation of the appropriate markings and signs to eliminate this space.

William B. Weisiger

H. Judson Lambert

BUDGET AND FINANCE COMMITTEE REPORT

DECEMBER 13, 2004

1. At the last meeting of Council, we suggested certain amendments to the Town's cemetery regulations with regard to how many cremain vaults can be placed in a grave space or niche at the mausoleum. As you may recall, the proposed amendments were as follows:

All interments in a grave space may have only one of the following:

1. *One full-sized vault (adult or child more than one year old) and one cremain vault, exclusive of the mausoleum*
2. *Two cremain vaults, inclusive of the mausoleum*
3. *Two infant (child less than one year old) vaults, inclusive of the mausoleum*
4. *One infant vault and one cremain vault, inclusive of the mausoleum*

As suggested, we forwarded these proposed amendments to the local funeral directors for comment. To date, we have not received any responses with regard to these proposed amendments. As such, later this evening when the Council considers these amendments in ordinance form, we would suggest that the rules be suspended and that the amendments be approved on first and final reading.

2. In July of this year, the Council considered and approved the budget for the construction and operation of the proposed community center. At that time,

the project had not been bid, and the project budgets were only speculative. Since that time, we have received bids on the new Community Center Project and have a firm price for the construction of this new facility. Also, since then, we have reworked some of the expenses associated with the operations and maintenance of this new facility. We have attached for you project budgets depicting the operations and maintenance expenses for the new facility as well as a tabulation of the revenues that will be used towards meeting these expenses. Our lending institution, Rural Development, has requested that the Council adopt these updated budget figures prior to our going to loan closing on this project. It is the recommendation of the Budget and Finance Committee that the documents attached noted as *Operating Budget Form No. 0575-0015* and the *Project Planning Factors* both be approved and submitted to Rural Development.

3. We have received a request from the Hope Ministry Center seeking a donation to their organization in an amount equivalent to the current year's real estate taxes for the Town. The Hope Ministry Center is located on West Main Street in the building formerly occupied by Appalachian Power Company. Mr. and Mrs. George Keck of Bland County own this building and provide it to the Hope Ministry Center free of cost, with the exception of expenses associated with taxes and real estate. The agencies sharing resources being located in the Hope Ministry Center building include Mountain Shelter, Incorporated; the Appalachian Independence Center;

District III Governmental Cooperative; Lutheran Family Services of Virginia; Mountain Community Action Program; and the United Way of Wythe County.

The total real estate taxes for the building and lot are \$248.94.

Recently, the Wythe County Board of Supervisors received the same request from the Hope Ministry Center for a donation equivalent to the County real estate taxes. The Board of Supervisors approved the request, and we agree that the work being performed by these agencies merit our assistance. Therefore, it would be the recommendation of the Budget and Finance Committee that the Town make a donation of \$248.94 to the Hope Ministry Center.

Jacqueline K. King

John W. Jones, Jr.