

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JANUARY 9, 2006, 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., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon P. Hackler, Town Attorney Robert P. Kaase, Police Officer Chris Irvin, Danny Gordon with WYVE/WXBX, Justin Harmon with Wytheville Enterprise, Robert Bass, Peggy King, Gale Bass, Edna Bass, Mark Bass, Kerry A. Eans, Francesca Lunsford, Agnes Eades, Fred L. Sluss, Troy Lawson, Kim Lawson, Brittney Lane, J. Bass

**RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE**

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

**RE: CONSENT AGENDA**

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of December 12, 2005; the request of the Concerned Citizens Network to conduct the annual Dr. Martin Luther King, Jr. Day March on Sunday, January 15, 2006, and for waiver of fees for use of the Heritage Preservation Center on Sunday, January 15, 2006, for a program; the request of the Virginia Department of Agriculture and Consumer Services for waiver of fees for use of the Community Center on January 17, 2006, for an informational meeting; and the request of the Virginia Cooperative Extension Wythe Bland-Region Master Gardener Association for a raffle permit for 2006. A motion was made by Vice-Mayor King and seconded by Councilman Lambert to approve the consent agenda consisting of the minutes of the regular meeting of December 12, 2005; the request of the Concerned Citizens Network to conduct the annual Dr. Martin Luther King, Jr. Day March on Sunday, January 15, 2006, and for waiver of fees for use of the Heritage Preservation Center on Sunday, January 15, 2006, for a program; the request of the Virginia Department of Agriculture and Consumer Services for waiver of fees for use of the Community Center on January 17, 2006, for an informational meeting; and the request of the Virginia Cooperative Extension Wythe Bland-Region Master Gardener Association for a raffle permit for 2006. 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 issuing a Certificate of Public Convenience and Necessity during 2006 for City Cabs of Wytheville, LLC for the operation of taxicabs. He noted by way of information, the Council has in their packet the inspection of the vehicles by the Police Department and the verification of the proper insurance coverages required. Mayor Crewe advised that he is not suggesting that anyone has to speak, but on the sign up sheet, it was indicated by a question mark regarding speaking. He inquired if there are persons present who wish to address the Council during the public hearing for the Certificate of Public Convenience and Necessity for City Cabs of Wytheville, LLC.

Ms. Peggy King was recognized and stated she is the person who wants to start the taxicab service. She stated she is not doing this to put the other taxicab out of business, but she is starting the business because she feels that they can give Wythe County and the Town of Wytheville a better service. Ms. King advised that they have heard rumors or been told that for the taxicab service that is in service now, people have to wait 30 to 45 minutes to get a taxi. She remarked that she has been told the current taxi service dispatch is sometimes rude. Ms. King indicated that she is attending the meeting trying to get this service started so that Wythe County will have a better taxi service. Mayor Crewe inquired if Ms. King plans to operate two vehicles initially. Ms. King stated that is correct. Mayor Crewe thanked Ms. King for her comments.

Mayor Crewe inquired if there are others who wish to address the Town Council during the public hearing. There being none, he declared the public hearing closed. Mayor Crewe

explained that the Council will consider this matter later in the meeting, but the public hearing part is now concluded.

#### **RE: DR. MARTIN LUTHER KING, JR. DAY REQUEST**

Mayor Crewe advised Mr. Kerry Eans that he thinks he would be interested in knowing that the Town Council just approved all of the requests for the Martin Luther King, Jr. Day March. He advised that this is probably one item in which Mr. Eans would be interested. Mayor Crewe indicated that he does not think he will be in town to attend the March because he will be on his way back from Williamsburg, but noted he will try to make it back in time for the March. Mr. Eans thanked Mayor Crewe.

#### **RE: CITIZENS' PERIOD**

Mayor Crewe stated 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. The Budget and Finance Committee and the Public Works Committee will meet at their regular date and time this week. The Town will observe the Martin Luther King, Jr. Holiday next Monday, January 16, 2006, and, as such, the Town Offices will be closed on that day.

#### **RE: BUDGET AND FINANCE COMMITTEE REPORT**

Vice-Mayor King, reporting for the Budget and Finance Committee, reported that the construction on the new Community Center continues to proceed at a good pace. She noted that the Town's contractor, BurWil Construction Company, continues to meet the previously established construction timetable. Vice-Mayor King advised that assuming that the contractor continues to stay on target, the new Community Center should be nearing completion in November of 2006. She noted given that the building will be occupied in approximately ten months, the Committee believes it is time to start establishing rules and regulations and fees that will be used to govern the facility. Vice-Mayor King indicated that the Committee met this past week with Mrs. Rosa Jude, the Director of Tourism, who reported that she is already receiving a number of inquiries with regard to utilizing the building for conferences, meetings, and other similar activities. She stated that Mrs. Jude noted that many of these types of conferences are booked a year or so in advance, and, therefore, it is imperative that the Town starts to establish user fees and regulations concerning how the meeting space portion of the building will be handled. Vice-Mayor King remarked that also, the Committee has begun their review on policies, procedures, and fees for the recreation portion of the new Community Center. She explained that there will be many types of recreational activities provided in the facility, and this will necessarily require that the Town review policy and fee issues with each of these components. Vice-Mayor King noted the Committee would anticipate that it will take several months to establish all of the new policies regarding the entire facility. She advised that finally, the Committee would note that once the Town's new facility is completed, the Council will necessarily need to make decisions on the future utilization of the existing Community Center Building. Vice-Mayor King explained that while no decisions have been reached, it is apparent that the Town cannot continue to operate both the old and new facilities simultaneously. She stated that for the next few months, both Committees will be reviewing all of these topics and, hopefully, in the near future, the Committee will be able to have documents available for the Council's consideration.

Vice-Mayor King also reported that it is time to begin the budget preparation process for the fiscal year 2006-2007. She remarked that the department heads have been instructed to start tabulating their proposed budgets in three categorical areas. Vice-Mayor King noted that these are normal operations, capital outlay, and personnel expenses. She advised that over the next couple of months, the Council's Committees will be able to start reviewing the funding requested by the various department heads. Vice-Mayor King indicated that similar to previous years, the Committee would also suggest that the Council have two work sessions, one occurring at the April 10 meeting of Council, and the second work session being scheduled for the April 24 meeting of Council. She stated that thereafter, the budget could be considered on first reading at the May 8 meeting with the second reading and the public hearing scheduled for May 22. Vice-Mayor King advised that the final reading and adoption of the budget will be scheduled for June 12. She noted that in the event there are questions or problems with the budget, there will

be the opportunity for revisions at the meeting on June 26. She stated that between now and the budget work sessions, both Committees of the Council will hear updates and review the various department budgets. Vice-Mayor King noted that if this timetable is acceptable to the Council, the Budget and Finance Committee will implement this schedule. Mayor Crewe stated his understanding is when the Public Works Committee reviewed the schedule, no one had any problems with it, and noted it is similar to what the Council has done in the past. He noted that hearing no objections, the Council will go ahead and implement this proposed budget schedule.

Vice-Mayor King reported that as the Council is aware, there is a new Gatorade facility being constructed in Progress Park. She advised that earlier this year, the Town awarded a contract to extend an additional water line to serve this new facility. Vice-Mayor King stated that the Town now has two sources of water into Progress Park that are capable of delivering large quantities of water to consumers. She remarked that the new Gatorade facility will be a large consumer of water and will consume approximately 1 million gallons of water per day. Vice-Mayor King indicated that the sewage service for the new Gatorade facility will be provided by Wythe County. She advised that during the negotiations with Gatorade, the Town agreed to certain rates for their water consumption. Vice-Mayor King noted that the Town's existing water rates did not accommodate the volumes of water that would be consumed by this new facility. She explained that the Committee has attached, for the Council's review, a schedule of fees that is proposed to be effective as of January 1, 2006. Vice-Mayor King stated the schedule that is attached reflects two revisions. She explained that two years ago, the Council approved a fifteen percent rate increase that was to be spread over a five-year period. Vice-Mayor King pointed out that an initial rate increase of ten percent was implemented, and, thereafter, there was to be a two percent increase at the beginning of the second year and a one percent increase at the beginning of the third, fourth, and fifth years until the total fifteen percent increase was achieved. She advised that the schedule that is attached reflects this two percent increase, and, also, provides a schedule of fees to accommodate large water and sewer users. Vice-Mayor King noted that the rate schedule, as proposed, with exception of the two percent rate increase all consumers will receive, is only applicable to those facilities that would consume in excess of 10 million gallons per month. She stated the schedule for all consumers changes slightly, but only larger consumers will see any significant difference in their current fees. Vice-Mayor King noted that it would be the recommendation of the Budget and Finance Committee that this new rate schedule be adopted and made effective on January 1, 2006. A motion was made by Vice-Mayor King and seconded by Councilman Jones to adopt the new rate schedule that would be effective January 1, 2006. Mayor Crewe noted that technically, the Council has already adopted the two percent portion of the schedule because when the Council set that in progress two years ago, this is what the Council stated they were going to do. He remarked that he would take it that the Council needed to vote on it year by year. Town Manager Sutherland indicated that he thinks this has been discussed previously, but the Town Treasurer wanted an action from the Council. Mayor Crewe advised that what he is making sure of is that this is a two percent increase over last year's increase, but not two percent on top of two percent, and remarked that the Council is not doing this twice, and in other words, the rate structure that is effective January 1, 2006, already has a two percent factor built in it, and this is not increasing in this schedule and inquired if that is correct. Town Manager Sutherland indicated that the two percent increase is only shown once in this rate schedule. Mayor Crewe remarked that he wanted to ensure that the two percent increase is only in the rate schedule once and not twice and advised that this is what he is making sure of. Town Manager Sutherland noted that the two percent increase is only included once in this rate schedule. Mayor Crewe advised that there are two separate items on the schedule, with one adding the two percent increase that the Council approved last year for this year, and then the large consumer's adjustment. Town Manager Sutherland advised that is correct. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None. Mayor Crewe advised that the new rate schedule is adopted and is effective January 1, 2006. 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 that on December 1, Governor-Elect Tim Kaine held a Town Hall meeting in Bristol to address transportation needs in Virginia. He stated that at the meeting, Governor-Elect Kaine noted the urgency of transportation needs in Virginia and the need for the accountability of the Virginia Department of Transportation as well as the need for additional funding to address transportation problems. Councilman Weisiger advised that at the meeting, there were a significant number of public comments regarding the need to make improvements to the Interstate 81 Corridor through Virginia. He stated that just a couple of days before the Governor-Elect held the Town Hall meeting, the Virginia Department of Transportation released a Tier 1 Draft Environmental

Impact Statement on the I-81 Corridor. Councilman Weisiger explained that the Environmental Impact Statement is a procedure required by the Federal Highway Administration in the design process of all highways. He advised that the Environmental Impact Statement considers all aspects of highway construction addressing not only environmental issues, but other planning and economic issues that may result from a new highway project. Councilman Weisiger stated that in this study, there were two areas in Virginia that were clearly identified as having the potential for a relocation of the existing I-81 Corridor. He remarked that those locations were Wytheville and Harrisonburg. Councilman Weisiger explained that in Wytheville, a significant portion of the traffic on the interstate corridor is the result of the overlapping of I-81 and I-77 in Wythe County. He stated that the Town noted to the Governor-Elect at the meeting that the Town was aware that there had previously been studies suggesting a separation of the interstates, and, again, noted that the Town thought any separation should be minimal and done in a fashion not to have an adverse economic impact on the community. Councilman Weisiger remarked that the Governor-Elect noted he would keep these concerns in mind while he reviewed the document. He stated that as the Town understands, the Department of Transportation will hold public information sessions during the spring to allow the public to comment on this Environmental Impact Statement. Councilman Weisiger stated that, certainly, this is a topic the Town needs to monitor closely as the design process goes forward.

Councilman Weisiger also reported that in early December, the Committee reviewed a request received from Mr. Jeffery P. Hill at 350 South Petunia Road seeking approval of an alternative landscaping plan. He explained that the Town Code provides that all lots within the corporate limits must be mowed at least twice per year unless they are exempted for agricultural purposes or unless they have an approved alternative landscaping plan. Councilman Weisiger advised that Mr. Hill submitted a plan for his property on Petunia Road allowing for the planting of various evergreen trees that could be pruned and harvested for Christmas trees. He indicated that Mr. Hill proposed to leave an existing hedge of pine trees along the north and south property lines, and to plant Northern Pines in rows of six feet on center each way, which would make mowing the entire lot difficult. Councilman Weisiger stated that as required by the Town Code, the Town gave notice to all abutting property owners of Mr. Hill's request for an alternative landscaping plan. He noted that the regulations provide abutting property owners a thirty-day comment period. Councilman Weisiger advised that if comments are received during the thirty-day period, then the Council can determine whether a public hearing is warranted. He explained that if no comments are received within the thirty-day comment period, then the Council may grant the alternative plan. Councilman Weisiger noted that as of today, no comments have been received on Mr. Hill's request. He stated it would be the recommendation of the Committee that if no comments are received by the end of the comment period, January 13, 2006, that the Town proceed to grant Mr. Hill approval of his alternative landscaping plan. Councilman Weisiger remarked that in the event there should be comments within the period, this matter would merely be held in abeyance until the next meeting of Council. He stated it would be the recommendation of the Public Works Committee that the Town proceed with this plan of action. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to approve the request of Mr. Jeffery Hill for an alternative landscaping plan if no comments are received from the abutting property owners by January 13, 2006, but if comments are received by this date, it would be on the Council's agenda for action at their January 23, 2006, meeting. Mayor Crewe inquired if there is any discussion on the motion to grant the approval of Mr. Hill's alternative landscaping plan on January 14, 2006, if no comments are received by January 13, 2006, and if there are comments, to place this back on the Council agenda for the January 23 meeting. 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. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

#### **RE: APPOINTMENTS – SOUTHWEST REGIONAL ENTERPRISE CENTER**

Mayor Crewe stated the next agenda item is the consideration of appointments to the Southwest Regional Enterprise Center to filled the expired terms of Mr. Charles Crockett and Mr. Tom Green. He noted that these appointments are to be made this year, and, currently, Charles Crockett is one of the appointees on the Board, and he has indicated an interest in serving again if reappointed. Mayor Crewe remarked that there are two appointments to make, and advised that he is uncertain if the Town has heard from Mr. Tom Green who is the other appointee, but Mr. Crockett has expressed a desire to serve again. He pointed out that he thinks Mr. Crockett has served from the very outset of this organization. Vice-Mayor King inquired if anyone has contacted Mr. Green about being reappointed. Mayor Crewe stated he thinks Town staff is in the process of contacting Mr. Green, but they have not received an answer yet from him. Town Manager Sutherland stated that if he understood correctly, Mr. Green was not desirous of serving on the Board. A motion was made by Vice-Mayor King to reappoint Charles

Crockett to the Southwest Regional Enterprise Center. The motion was seconded by Councilman Jones and 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 indicated that Town staff could contact Mr. Green again to ensure that the Town is not just assuming he does not want to be reappointed, but to verify the fact before the Council meets the next time.

**RE: CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY – CITY CABS OF WYTHEVILLE, LLC**

Mayor Crewe stated the next agenda item is to consider issuing the Certificate of Public Convenience and Necessity during 2006 for City Cabs of Wytheville, LLC for the operation of taxicabs. He noted that he knows several people came in after the Council started the meeting, and advised he does not have the sign up sheet so he is not sure what topic is of concern to them. Mayor Crewe indicated that if anyone is desirous of speaking on the issue of the permit for the taxicabs, the Council will be glad to hear from them. He explained that he went through that part of the agenda rather early before some people arrived at the meeting. Mayor Crewe recognized Mr. Troy Lawson, and noted that Mr. Lawson indicated that he wanted to speak on the public hearing, and, therefore, he will reopen the public hearing to receive those comments.

Mr. Troy Lawson stated that he and his wife, Kim Lawson, own Premier Taxi Service. He stated they have been in town for approximately two years operating the taxi service. Mr. Lawson indicated that he is attending the Council meeting to show that they feel there is not a need for a second taxi service in the Town limits. He remarked that they started in Wytheville over two years ago, and they have seen a little growth when it comes to the local business as to the amount of customers they get on a daily basis. Mr. Lawson indicated that they do a tremendous amount of business in the County. He stated they do not do a lot of business in the town. Mr. Lawson remarked that he has some papers he would like to pass out to the Council and have them review the papers as he speaks. He noted these documents show the growth that they took for a few weeks, and it shows the number of local trips that they actually get on a daily basis, excluding the out of town trips. Mayor Crewe inquired if these figures were for only in town trips. Mr. Lawson stated that is correct. Mayor Crewe noted it would take the Council a few minutes to review these papers. Mayor Crewe inquired if Mr. Lawson is operating taxicabs in four locations. Mr. Lawson stated that is correct. Mayor Crewe noted that these locations are Pulaski, Wytheville, Hillsville, and Galax. Mr. Lawson stated that is correct, and noted they just started their business in Galax on December 1, and in Hillsville on October 1. Mayor Crewe noted that in the document, Mr. Lawson advised that he has turned some evidence over to Town Officials, and inquired if that was one of the police officials. Mr. Lawson indicated that he turned it in to Chief Deputy Clerk Sherry Corvin. Town Manager Sutherland advised that it was turned in to Chief Deputy Clerk Corvin, and it was forwarded to Chief Harry Ayers. Mayor Crewe inquired if the Police have the evidence now. Mr. Lawson advised that is correct. Mayor Crewe stated if he is understanding what Mr. Lawson has written on the number of trips per day, that is for the number of trips only in town. Mr. Lawson stated that is correct, and those numbers are for the pick up and drop off points in town from usually Sunday through Thursday from 5:00 a.m. to midnight, and then on the weekends, they extend the hours to 1:30 a.m. Mayor Crewe remarked that if this states 20 trips per day, it would be for in town. Mr. Lawson advised that those would be 20 trips scattered throughout the entire day from 5:00 a.m. to midnight, during the week. Mayor Crewe noted that if, for example, Mr. Lawson took him from his house to a doctor's office, and then from a doctor's office back home, that would be two trips. Mr. Lawson stated that is correct. Mayor Crewe indicated that he wanted to ensure that he was reading this correctly. Mr. Lawson explained that the only way it would be considered one trip is if the driver actually sat and waited for the customer. He noted if they drop a customer off and go to another trip, that would be considered two trips. Mr. Lawson pointed out that these numbers do vary, and there is no set way of doing it, and some days are better than others. He remarked that the first of the month is really a busy time in all of the locations, and explained that even though there may be 20,000 citizens in the town, and remarked he did not know exactly the population in town, but there are only a few that would use the taxi service or the transit service. Mr. Lawson stated that most of their customers are the ones that do not have transportation and do not have a license for whatever reason. He advised that the numbers are not near as great. He remarked that the Council probably knows this from the transit service. Mr. Lawson indicated that the transit service is also their competition, and advised that they knew this when they came to town, and they are used to working with the transit service. He noted the transit service is something that they cannot compete with in price. Mayor Crewe inquired if everyone has had a chance to look at the information that has been presented. It was noted that is correct. Mayor Crewe inquired if there is anything that Mr. Lawson would like to tell the Council. Mr. Lawson remarked that he is trying to let the Council see that they have been in town and they have put a lot of effort, money, and time into their business. He stated that for the proposed cab service that is trying to open up in Wytheville, what they have done for the last few months is they have

known about opening up, and he was not aware of it. Mr. Lawson noted the drivers that used to be with him that started from day one are now going to be driving for that cab service. He advised he has two drivers that have been with him since day one that knew all of their regular customers they pick up on a regular basis, and they had been soliciting what he had built over the last two years. Mr. Lawson indicated that they have been letting his customers know that the other taxi service was opening, which, in turn, is undermining his business, and this is basically what it has done. He remarked that his business had to start from scratch, from nothing, when they came to town. Mr. Lawson advised that everything they have built up to this point is threatened by this other cab service because instead of them having to do the same thing he had to do, they are basically just taking it away from him. He pointed out that the drivers that used to work for him are going with the new cab service, and he noted it has already been proven, and they have already seen this, and that it is why he had to put a stop to it. Mr. Lawson indicated that just in the short time that they were running, his regular customers that depend on his business to take them to work, etc., everyday, and noted that he has a few of those customers, but the phone calls stopped immediately on December 26. He advised that it is just like turning the light switch off. Mr. Lawson remarked that when the new cab service got stopped, the customers came back. He advised that he is not trying to state that he would expect to be the only cab service in this town, but at this point, he noted he went through the same similar situation in Pulaski back in July, and the new cab company there was supposed to go before the Town Council, which is what they had to do, but for whatever reason, it did not go through the Town Council. He stated that company got approved and got their license, and they were in operation and advised that they were actually his old employees, which undermined his business to open their own cab service. Mr. Lawson noted that since that cab company opened in Pulaski, it has been nothing but a headache including a price war. He stated the new cab company cut the price down to where basically no one is making anything at all, and, of course, to run a taxi service is very expensive. Mr. Lawson remarked that the insurance is expensive, and there is a lot of maintenance and upkeep, and it is very time consuming. He advised that he has put over a total of three years of his life into this for everything, seven days a week. Mr. Lawson remarked that he is on call 24 hours per day, and anything that needs to be done with the business, he is there to do it. Mr. Lawson indicated that this is how dedicated he is with this cab service. He advised that his wife works a regular job, and she does their books, etc. at nighttime. Mr. Lawson stated they wanted to show that, honestly, in the town there is not a need for another taxi service. He remarked that it is going to be where nobody is going to make any money, and it would be just the same purpose as if it was the Town's transit service. Mr. Lawson indicated that the Town has a certain number of buses to run the transit service, and remarked that he is sure the Town has it set to where it fulfills the needs of the customers. He stated it would be like bringing another transit service, with the same amount of buses, to this town. Mr. Lawson pointed out that the customers are not going to double, and there is the same group of customers that use the cab service on a regular basis, and all this will do is cut the "pie" in half. He stated if the Council takes the number of trips and reviews them, there are two drivers—a day shift and a nighttime driver. Mr. Lawson remarked that if those trips are cut in half, there is no way he is going to be able to keep an employee, and advised that no one can work and not make any money. He advised that they have to make money. Mr. Lawson indicated that competition is good if the need is there, but remarked that they do not feel that the need is there, and the volume is not there. He stated he has the other locations, and remarked that this is another thing he was going to state is they have opened two other locations recently. Mr. Lawson indicated that the reason for that is instead of putting the cabs in Wytheville, they were put in other places because the need is not in Wytheville. He explained that if the need was in Wytheville, he would not open up other locations, and he would be investing and putting the cars in Wytheville. Mr. Lawson stated that to pay the insurance on the cars, it would not be feasible to have cars just sitting and not running, and he cannot afford to do that. He indicated that where the cab company in Pulaski basically did what is trying to happen in Wytheville, it took a lot of his money. Mr. Lawson pointed out that in Pulaski right now, it is a flat dead loser, and it is not making any money. He remarked that they are trying because of the employees they have there, and noted they started about three years ago, and a lot of the employees they have there have been faithful, and they do not want to put them out of work. Mr. Lawson advised that they are hoping to hold out until the other cab service finally gives up, so it is like a waiting game in Pulaski. He remarked that they had to take and find other means of income to replace what they lost. Mr. Lawson indicated that Wytheville looks like it has great potential for the future. He remarked that they liked the town, and he and his wife actually moved out of Pulaski County to Wythe County. Mr. Lawson indicated that he does not see his business doubling overnight, even with the factories that are coming to the town. He inquired as to how many of those people are actually going to use a cab service. Mr. Lawson pointed out that most people have a car or transportation. He explained that they are limited to the few people who use his business on a regular basis. Mr. Lawson remarked that there are people who use his business occasionally, but on a regular basis is what keeps his business going. He noted that this is the only way they can survive in this town. Mr. Lawson remarked that to sum this up, he is attending the meeting to show and prove this to the Council. He thanked the Council for

listening to his comments. Mayor Crewe thanked Mr. Lawson for attending the meeting. He noted the issue that is before the Council is simply to issue the Certificate of Public Convenience and Necessity, which if it is issued, would grant the option, the authority, or the permission to operate another cab company, and it would not deal with the rates, the structure, how many hours, etc. Mayor Crewe advised that it is the same thing that Mr. Lawson went through, and noted that the application shows the number of cabs that are inspected by the police, the insurance is verified, etc., and this is all that it is for. He explained that without that certificate, it is not legal to operate a cab service in the town. Mayor Crewe stated if this was being done, and that information is being handled by the Police Department, that would be the investigation they would be doing. Mrs. Kim Lawson indicated that the information provided to them shows that the other cab company was running without a license. Mayor Crewe stated that this is something he would suggest needs to be shared with the Police Department with an investigation, which, apparently, will be underway. He advised that this would not be a Council issue, but it would be a Police Department issue. Mayor Crewe inquired if there are any other questions or comments. There being none, Mayor Crewe thanked Mr. and Mrs. Lawson for their comments and for attending the meeting.

Mayor Crewe inquired if there are others who wish to speak regarding this topic. Town Manager Sutherland stated that in the package the Council reviewed during the public hearing, the Town does, in fact, have the application where City Cabs was to receive the appropriate insurances, and the Town has not, as yet, received a certificate of insurance, which the Town will need to have on file. Mayor Crewe advised that the Town has the application for the insurance. Town Manager Sutherland stated that is correct. Vice-Mayor King indicated that she was thinking about the insurance. Councilman Weisiger remarked that the Town needs to have the completed package including the insurance information. Town Manager Sutherland remarked that the Council could make it contingent upon receiving the insurance. Mayor Crewe stated that he would defer to the Town Attorney, but the Council cannot grant the license without the insurance. Town Attorney Kaase indicated that in the past, the Council has utilized the opportunity for them to provide the insurance. Vice-Mayor King remarked that the Town has not been given the insurance certificate. Ms. King interjected that she was not told that the Council needed this, and she was told that all she needed was what she gave them which was the application and where she had paid the premium. She indicated that she did not know that the Council needed the certificate or she would have gotten it for them. Ms. King remarked that she thinks the Council can obtain this information. Town Manager Sutherland stated that if Ms. King has the insurance, it would not be a problem to obtain the certificate of insurance. Mayor Crewe remarked that he would guess that acceptance of the premium would be sufficient, but what he has in his packet, unless he is missing something, is just the application. Ms. King noted that she had received the receipt for the premiums paid. Mayor Crewe advised that on the last page in the Council's packet on the right hand side, in the middle of the page, there is a signature line that shows evidence of insurance and the effective date of coverage as 1/1/2006 at 6:00 a.m., and it states that, "I certify that this application is submitted pursuant to the effective date provisions contained in the Automobile Insurance Plan of this state." He remarked that it is signed by a producer, which he presumes to be the agent, and advised that he cannot read the signature, and inquired if this is David Martin's signature. Mayor Crewe stated he can read a "D" and an "M," and he guesses it is David Martin, and this should bind the company. He noted this would be his opinion, but he will defer to the Town Attorney. He explained that it appears on the face of the application that it has been accepted because it states the evidence of insurance and the effective date, and it is signed by the producer. Town Attorney Kaase stated he agrees that the Mayor is correct regarding the insurance. Mayor Crewe noted that the issue with the insurance is it is officially established to pass for what the Council needs to consider it. He stated it appears to be Mr. Martin's signature. He reiterated that he can read a "D, W, M," and noted he thinks this is probably David W. Martin's signature. Mayor Crewe inquired if there are any questions, comments, discussions, or motions, and inquired as to the pleasure of the Council. A motion was made by Vice-Mayor King to issue the Certificate of Public Convenience and Necessity to City Cabs of Wytheville, LLC for the operation of taxicabs for calendar year 2006. She advised that she does not see how the Council cannot issue the certificate. The motion was seconded by Councilman Jones. Mayor Crewe inquired if there is any discussion on the motion. Vice-Mayor King remarked that the only other thing she would like to state is that she understands what Mr. Lawson is stating, but the Council cannot state that another taxicab service cannot operate in the town. She continued that the Council cannot state that another furniture store cannot come to town. Mayor Crewe noted that this is the same for lawyers, etc. Vice-Mayor King indicated that is correct, and the same thing for banks, etc. Mayor Crewe inquired if there are any Council comments. Councilman Jones indicated that he would like to state the same thing. He noted that he understands what Mr. Lawson is stating, but the Council's issue is the fact that unless the Council had, to him, a valid reason, they cannot deny a business that wants to operate. Councilman Jones explained that he recognizes the competition, and advised that he understands what Mr. Lawson has stated, but indicated that he thinks Mr. Lawson has to understand the Council's position. He noted if there is a problem, as

Mr. Lawson has pointed out, with respect to the other company operating prior to receiving the certificate, then, certainly, that is an issue the Police Department has to deal with. Councilman Jones advised that the Council's approval with all of the issues with respect to what this other taxicab company has to meet has been met, or, otherwise, the final authority will not be given. He remarked that he wants Mr. Lawson to understand that this is where the Council is coming from. Councilman Jones explained it is sort of like some people who fussed before about a new subdivision, but the subdivision was strictly legal, and there was not anything the Planning Commission or the Town Council could do to deny it, and he pointed out that the Council is sort of in the same situation with this matter. He stated the Council does not mean disrespect to either party, but this is the way it is.

Mayor Crewe inquired if anyone on Council has any other comments or questions. There being none, Mayor Crewe recognized Mr. Troy Lawson.

Mr. Lawson noted that according to the codes they have for the Town of Wytheville, it states that they have to show there is a need for the taxi service, and inquired if he is correct to read it this way, and they have to establish that there is a necessity. Mayor Crewe advised that this is what the statute and the ordinance states, and that is correct. He noted that the word "necessity" is not defined. Mr. Lawson advised that it is the burden of the applicant to actually establish that there is a necessity for a cab service. Mayor Crewe advised that it is for the Town Council to determine whether or not there is a necessity. Mr. Lawson pointed out that this is the point they were trying to establish is that he feels his business covers this, and this seems to allow or give the opportunity for the Council to decide whether they feel there is a need for another taxi service or to also deny the need. Mayor Crewe stated he understands what Mr. Lawson is stating, and remarked that this is a legitimate interpretation of the language. He noted that the issue for the Council's point of view is picking one taxi service over another versus someone running different hours of operations, and the "pie" being sliced differently as opposed to being a micromanager and the Town Council running the cab company. Mayor Crewe indicated that if everyone participates on the same level and has the same advantages and disadvantages, he thinks this is where the Town Council is coming from based on the comments he has heard. Mr. Lawson advised that he is unsure where it is stated in the Code, but there is something that states the Town Council takes into consideration any existing transportation services now in effect. He stated this seems to him that it does authorize to either reject or accept the application. Mayor Crewe noted that he thinks Mr. Lawson is correct, and another point that may or may not be worth making is there were deadlines to advertise the public hearings. He stated that Mr. Lawson was probably aware that when his public hearing took place, it was the same night they had the public hearing on the ambulances, emergency services, etc., and there were several in the same hearing. Mayor Crewe stated that Ms. King's paperwork was not submitted in time to meet that advertising deadline, which is why her public hearing did not happen at the same meeting as Mr. Lawson's, or, otherwise, it would have. He explained that the Town had to advertise in the newspaper for so many days and so many times, and Ms. King's paperwork missed that deadline, which meant that this meeting was the first time it could be considered. Mayor Crewe summarized that, otherwise, Ms. King's public hearing would have been at the same time as all of the other public hearings at the end of the year, when the Council usually has them. He stated this paperwork was received a few days later, so the ad had to be in the paper separately, and that is what makes this a two step process rather than all of the applications being considered at the same time. Vice-Mayor King inquired if Mr. Lawson operates a taxi service in Wythe County and Wytheville. Mr. Lawson answered that they have been operating in Wytheville and Wythe County. He explained that of the four locations which surround Wythe County, they run taxis in Wythe County, and they run anything from Pulaski County to Wythe County to Grayson County to Carroll County. Mr. Lawson explained that the way they have it set up is there are four locations, and if they get a trip in the County that is going toward North Carolina, etc., they send a Galax driver, and that would be more practical. Vice-Mayor King stated the reason she asked is she noticed Ms. King's application stated Wytheville and Wythe County. Mr. Lawson advised that the County is a big area, and noted he could guarantee that if he did the actual breakdown of their trips on the calendar and if he looked at the breakdown and figured out the total trips, the majority of the money and the business is in the County, and it is not so much in the town. He explained the trips in the town are \$5.00 trips, and it is not as much volume in the town. Mr. Lawson stated that they do get quite a bit in the County, and, of course, the interstate helps a whole lot. He noted that their argument at this meeting is not the County, and advised that if they operated strictly in the County, it is a big area, and there is plenty of business out there. Mr. Lawson remarked that the Town of Wytheville is where his argument is. He noted that if they do not have any business in the town, they will be forced to move out of the town, and it would be better for them to be in the county if this was the case. Mr. Lawson advised that they are trying to stay in the town because they have been established in the town for two years, and they feel this should stand for something. Mayor Crewe noted that Town Attorney Kaase is showing him the statute and pointing out the language in the statute, and advised that the purpose for which

the Town is empowered by the State to regulate the number of taxicab operators states, "in order to provide safe and reliable privately operated taxicab service on any highway, street, road...in such town...." He explained that it is the safety and reliability that is the driving force behind how the Town Council is able to pass their ordinance, and noted that this is the State statute that Town Attorney Kaase pointed out to him. Mayor Crewe stated there is another point that goes back to when they were talking about the insurance. He advised that he thinks this was unstated in the motion, but he wants to make clear, and advised that the Town Clerk has also pointed this out, is that the application the Town has for Ms. King's insurance states it is effective January 1, 2006, but it is only effective for 30 days because of the way this application is worded. Mayor Crewe explained that this binds the company with which Ms. King has the insurance for 30 days, but noted after 30 days, Ms. King will have the policy, and there has got to be more verification of coverage because all the Town has is for 30 days, and this is what this application states. Ms. King noted she will bring the coverage verification in to the office. Mayor Crewe indicated that what he thinks is unstated in the motion is that the certificate be granted provided that proper verification of continuing insurance coverage is provided. He advised that this was not stated in the motion because the Town has the application that binds the insurance for 30 days, but, thereafter, there has to be more verification of the coverage. Mayor Crewe noted that if this certificate is not forthcoming, then the certificate cannot be issued. He inquired if this is what Vice-Mayor King was stating in her motion. Vice-Mayor King advised that is correct. Mayor Crewe inquired if there are any other discussions or comments. Mayor Crewe advised Ms. King that he is not trying to cut her off, and she has the opportunity to speak, but advised that he is not suggesting that she does or does not have to speak. He noted this is true for anyone in the room, and anyone who desires to speak is welcome to do so. Mayor Crewe inquired if anyone on Council has any other comments or discussion. Mayor Crewe advised that the motion on the floor is to grant the Certificate of Public Convenience and Necessity for calendar year 2006 for City Cabs of Wytheville, LLC to operate taxicabs in the Town provided that proper insurance verification is supplied. He inquired if there is any other 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 he thinks he can speak for Council that if there are going to be two taxicab companies operating, he hopes both of them are successful so the citizens have more service rather than less. He stated he hopes this works itself out, and remarked that he knows it will be difficult for awhile, but reiterated that he hopes it will work itself out. Mrs. Lawson advised that as long as everyone operates legally and in a professional manner, there should not be any problems. Mayor Crewe remarked that he can assure Mrs. Lawson that this will happen, and if there is anything happening that should not have been happening, the Police Department will deal with it, and there is a mechanism in place. He reiterated that it is not a Council action, but there is a mechanism in place to deal with this. Mayor Crewe indicated that after the issuance of this certificate, which is effective now, is in place, Ms. King has insurance in place for 30 days that has been verified, and in 27 more days, Ms. King needs to give the Town more verification of the insurance for the Town, and then she will be able to operate. Mayor Crewe remarked that the regulations are the same, and the Council is not picking and choosing anyone, and everyone is operating on the same level because the rules are the same for both companies. He noted if there was another company, the rules would be the same for anyone who comes in and asks for a certificate. Mayor Crewe reiterated that the Council is not picking and choosing and everyone has the same regulations. Ms. King inquired if the Mayor is stating she has to wait 30 days to begin operating. Mayor Crewe advised that is not correct and explained that he is stating that if she does not do anything else regarding the insurance, in 30 days she is out of business. Ms. King remarked that she will contact the insurance company tomorrow. Mayor Crewe indicated that the Town has to have the binding insurance after the 30 days, and noted that this is the only document missing. Town Manager Sutherland pointed out that Ms. King will also have to obtain a business license. Mayor Crewe indicated that a business license will have to be issued, but advised that Ms. King has the certificate of authority at this meeting which is effective immediately, and noted that this document is now in place. He stated that Ms. King needs to get a business license, and if she gets the business license, she can start operating, and the business license could be issued tomorrow morning. Mayor Crewe explained that the insurance information the Town currently has shows that the insurance is only for 30 days, and the Town will need verification of insurance for longer than 30 days. He reiterated that currently, the Town has the insurance information that it needs, but after 30 days, this insurance application expires, and Ms. King will need more insurance verification. Mayor Crewe inquired if this makes sense to Ms. King. She stated that is correct, and thanked the Council. Mayor Crewe wished both taxicab companies good luck and reiterated that he hopes this will work itself out.

**RE: CHANGE IN SIGNALIZATION**

Councilman Jones stated he would like to point out to the Public Works Department that he received an appreciation for the change in the signalization on 11<sup>th</sup> Street. He advised that the citizen was appreciative of this change. Mayor Crewe advised that, hopefully, this change in signalization will help.

**RE: KAINE PRE-INAUGURAL EVENT**

Mayor Crewe stated that he happened to be one of the attendees at the pre-inaugural event in Abingdon Saturday night where Governor-Elect Kaine was present. He remarked that his newly appointed Secretary of Commerce, Secretary Gottschalk, was there, and they both independently made a statement to him that they were looking forward to continuing to work with Wytheville. He remarked that Secretary Gottschalk and Congressman Boucher wanted to know when the Convention Center was going to be open because they wanted to schedule meetings there. Mayor Crewe advised that Secretary Gottschalk, in particular, was asking him about the technological aspects and having Internet hookup and satellite capabilities. He stated they both alluded to the fact that there would be a big industrial announcement, or economical development announcement, in the next few days, and they were excited about continuing to work with Wytheville and hoping things would go well. Mayor Crewe remarked that at least they are stating the correct things from the beginning, but noted that no one knows what is going to happen. He stated they were very polite, and indicated that he happened to be standing with the Mayor of Marion when all of this was going on, and he was teasing him about why they were talking about Wytheville and not Marion, because he felt that Marion needed it worse than Wytheville. Mayor Crewe summarized that these comments were made so he thought he would pass them along to the Council.

**RE: ADJOURNMENT**

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:50 p.m.).

---

Trenton G. Crewe, Jr., Mayor

---

Sharon P. Hackler, MMC, Clerk of Council

## **BUDGET AND FINANCE COMMITTEE REPORT**

**JANUARY 9, 2006**

1. The construction on the new Community Center continues to proceed at a good pace. Our contractor, BurWil Construction Company, continues to meet the previously established construction timetable. Assuming that the contractor continues to stay on target, the new Community Center should be nearing completion in November of 2006. Given that the building will be occupied in approximately ten months, we believe that it is time to start establishing rules and regulations and fees that will be used to govern the facility.

Our Committee met this past week with Mrs. Rosa Jude, the Director of Tourism, who reported that she is already receiving a number of inquiries with regard to utilizing the building for conferences, meetings, and other similar activities. Mrs. Jude noted that many of these types of conferences are booked a year or so in advance, and, therefore, it is imperative that we start to establish user fees and regulations concerning how the meeting space portion of the building will be handled. Also, we have begun our review on policies, procedures, and fees for the recreation portion of the new Community Center. There will be many types of recreational activities provided in the facility, and this will necessarily require that we review policy and fee issues with each of these components. We would anticipate that it will take several months to establish all of the new policies regarding the entire facility. Finally, we would note that once our new facility is completed, we will necessarily need to make

decisions on the future utilization of the existing Community Center Building. While no decisions have been reached, it is apparent that we cannot continue to operate both the old and new facilities simultaneously. For the next few months, both Committees will be reviewing all of these topics and, hopefully, in the near future, we will be able to have documents available for the Council's consideration.

2. It is time to begin the budget preparation process for the fiscal year 2006-2007. The department heads have been instructed to start tabulating their proposed budgets in three categorical areas. These are normal operations, capital outlay, and personnel expenses. Over the next couple of months, the Council's Committees will be able to start reviewing the funding requested by the various department heads. Similar to previous years, we would also suggest that the Council have two work sessions, one occurring at the April 10 meeting of Council, and the second work session being scheduled for the April 24 meeting of Council. Thereafter, the budget could be considered on first reading at the May 8 meeting with the second reading and the public hearing scheduled for May 22. The final reading and adoption of the budget will be scheduled for June 12. In the event that there are questions or problems with the budget, there will be the opportunity for revisions at the meeting on June 26. Between now and the budget work sessions, both Committees of the Council will hear updates and review the various department budgets. If this timetable is acceptable to the Council, we will implement this schedule.

3. As the Council is aware, there is a new Gatorade facility being constructed in Progress Park. Earlier this year, the Town awarded a contract to extend an additional water line to serve this new facility. The Town now has two sources of water into Progress Park that are capable of delivering large quantities of water to consumers. The new Gatorade facility will be a large consumer of water and will consume approximately 1 million gallons of water per day. The sewage service for the new Gatorade facility will be provided by Wythe County. During the negotiations with Gatorade, the Town agreed to certain rates for their water consumption. Our existing water rates did not accommodate the volumes of water that would be consumed by this new facility. We have attached, for the Council's review, a schedule of fees that is proposed to be effective as of January 1, 2006. The schedule that is attached reflects two revisions. Two years ago, the Council approved a fifteen percent rate increase that was to be spread over a five-year period. An initial rate increase of ten percent was implemented, and, thereafter, there was to be a two percent increase at the beginning of the second year and a one percent increase at the beginning of the third, fourth and fifth years until the total fifteen percent increase was achieved. The schedule that is attached reflects this two percent increase, and, also, provides a schedule of fees to accommodate large water and sewer users. The rate schedule, as proposed, with exception of the two percent rate increase all consumers will receive, is only applicable to those facilities that would consume in excess of 10 million gallons per month. The schedule for all consumers

changes slightly, but only larger consumers will see any significant difference in their current fees. It would be the recommendation of the Budget and Finance Committee that this new rate schedule be adopted and made effective on January 1, 2006.

---

Jacqueline K. King

---

John W. Jones, Jr.

H:\COUNCIL\BFCOMMIT.RPT\2006\BFJAN09.doc

## **PUBLIC WORKS COMMITTEE REPORT**

**JANUARY 9, 2006**

1. On December 1, Governor-Elect Tim Kaine held a Town Hall meeting in Bristol to address transportation needs in Virginia. At the meeting, Governor-Elect Kaine noted the urgency of transportation needs in Virginia and the need for the accountability of the Virginia Department of Transportation as well as the need for additional funding to address transportation problems. At the meeting, there were a significant number of public comments regarding the need to make improvements to the Interstate 81 Corridor through Virginia. Just a couple of days before the Governor-Elect held the Town Hall meeting, the Virginia Department of Transportation released a Tier 1 Draft Environmental Impact Statement on the I-81 Corridor. The Environmental Impact Statement is a procedure required by the Federal Highway Administration in the design process of all highways. The Environmental Impact Statement considers all aspects of highway construction addressing not only environmental issues, but other planning and economic issues that may result from a new highway project. In this study, there were two areas in Virginia that were clearly identified as having the potential for a relocation of the existing I-81 Corridor. Those locations were Wytheville and Harrisonburg. In Wytheville, a significant portion of the traffic on the interstate corridor is the result of the overlapping of I-81 and I-77 in Wythe County. We noted to the Governor-Elect at the meeting that we were aware that there had previously been studies suggesting a separation of the interstates and, again, noted that we thought that any

separation should be minimal and done in a fashion not to have an adverse economic impact on our community. The Governor-Elect noted that he would keep these concerns in mind while he reviewed the document. As we understand, the Department of Transportation will hold public information sessions during the spring to allow the public to comment on this Environmental Impact Statement. Certainly, this is a topic that we need to monitor closely as the design process goes forward.

2. In early December, our Committee reviewed a request received from Mr. Jeffery P. Hill at 350 South Petunia Road seeking approval of an alternative landscaping plan. The Town Code provides that all lots within the corporate limits must be mowed at least twice per year unless they are exempted for agricultural purposes or unless they have an approved alternative landscaping plan. Mr. Hill submitted a plan for his property on Petunia Road allowing for the planting of various evergreen trees that could be pruned and harvested for Christmas trees. He proposed to leave an existing hedge of pine trees along the north and south property lines, and to plant Northern Pines in rows at six feet on center each way, which would make mowing the entire lot difficult. As required by the Town Code, we gave notice to all abutting property owners of Mr. Hill's request for an alternative landscaping plan. The regulations provide abutting property owners a thirty-day comment period. If comments are received during the thirty-day period, then the Council can determine whether a public hearing is warranted. If no comments are received within the thirty-day

comment period, then the Council may grant the alternative plan. As of today, no comments have been received on Mr. Hill's request. It would be the recommendation of our Committee that if no comments are received by the end of the comment period, January 13, 2006, that we proceed to grant Mr. Hill approval of his alternative landscaping plan. In the event that there should be comments within the period, this matter would merely be held in abeyance until the next meeting of Council. It would be the recommendation of the Public Works Committee that we proceed with this plan of action.

---

William B. Weisiger

---

H. Judson Lambert