

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, FEBRUARY 27, 2006, AT 7:00 P.M.**

Members present: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., H. Judson Lambert

Members absent: William B. Weisiger

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, Agnes Eades, Justin Harmon with the Enterprise

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

Mayor Crewe called the meeting to order and established that a quorum of Council members was present. He noted that Councilman Weisiger is out of town and would not be 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 February 13, 2006; the request of the Wythe County Girl Scouts for waiver of fee for use of the Community Center on April 7 and 8, 2006, for a powder puff derby; the request of the George Wythe After Prom Committee for waiver of fee for use of the Community Center on April 29, 2006, for the after prom activity and for issuance of a Special Exception Facility Use Permit; the request of Copper Crest Riding Therapy program for waiver of fee for use of the Bingo Room on March 31, 2006, for a fundraiser; and the request of the Virginia Cooperative Extension Service for waiver of fee for use of the gymnasium on March 17, 2006, for share the fun talent show. 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 February 13, 2006; the request of the Wythe County Girl Scouts for waiver of fee for use of the Community Center on April 7 and 8, 2006, for a powder puff derby; the request of the George Wythe After Prom Committee for waiver of fee for use of the Community Center on April 29, 2006, for the after prom activity and for issuance of a Special Exception Facility Use Permit; the request of Copper Crest Riding Therapy program for waiver of fee for use of the Bingo Room on March 31, 2006, for a fundraiser; and the request of the Virginia Cooperative Extension Service for waiver of fee for use of the gymnasium on March 17, 2006, for share the fun talent show. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., H. Judson Lambert. Against: None.

**RE: CITIZENS' PERIOD**

Mayor Crewe stated the next agenda item is Citizens' Period. He welcomed the persons present at the meeting but noted that no one had indicated on the sheet that they desired to speak. He stated that if anyone would like to speak, the Council will be glad to hear from them. There being no one who desired to address the Council, he proceeded with the agenda.

**RE: OLD BUSINESS**

Under Old Business, Town Manager Sutherland reported the following:

1. Councilman Weisiger will be unavailable for the next two weeks so the Public Works Committee will not meet. He noted that the Budget and Finance Committee will meet for their regular Thursday meetings.

**RE: BUDGET AND FINANCE COMMITTEE REPORT**

Councilman Jones, reporting for the Budget and Finance Committee, reported that later this evening, the Council will consider an ordinance that amends the Town Code with regard to two matters. He stated that first, miscellaneous offenses that are established in Chapter 9 of the Town Code will provide new regulations that prohibit public urination and defecation. He explained that it was determined that specific regulations with regard to public urination and defecation would more accurately describe the nature of the violation than the current regulations, which would only charge an offender with indecent exposure. He noted that as they

have discussed previously, the charge of indecent exposure does not accurately reflect the violation. He explained that this section of Code would provide that no person shall urinate or defecate in any public place in such a manner as to expose his or her genitals, where a public place is defined as a location where the conduct can be viewed by someone who is not related to the person. Councilman Jones stated that any person who violates this section of the Town Code would be guilty of a Class 4 misdemeanor. He stated that, secondly, the ordinance that will be considered this evening will also consider the establishment of punishment for juveniles who violate the curfew section of the Town Code. He noted that currently, this section of the Town Code does not establish a penalty for violation. He explained that the ordinance, as proposed, would provide that any minor who has not previously been issued a warning for any such violation shall receive a verbal warning, which shall be confirmed by a written warning mailed by the Police Department to the minor's parents or guardians. Councilman Jones stated that a minor who has previously been issued a warning for a violation, upon conviction, shall be guilty of a Class 4 misdemeanor and be required to serve a mandatory sentence of sixteen hours of community service. He stated that they have sent the ordinance in its current form to the Commonwealth's Attorney, seeking any suggestions or revisions they may feel are needed. Councilman Jones stated that it would be the Committee's suggestion that when the Council considers this ordinance this evening that they adopt it on the first of three readings, which will give the Commonwealth's Attorney additional time to provide comments. Mayor Crewe stated that this matter would be taken up momentarily. He stated that since the Committee has met, he has received communication from Mr. Lee Harrell, the Assistant Commonwealth Attorney, that the language proposed seems to be okay with him. He reiterated that this matter would be taken up later in the meeting.

Councilman Jones stated that at the most recent meeting of the Joint Governing Bodies, a representative of the Telecommunications Consulting Associates presented a proposal to perform an audit on cable television providers in Wytheville and Wythe County. He noted that according to the consultant, their audits of cable television companies always revealed a number of unpaid taxes to a municipality. He explained that the amount of unpaid taxes that has been discovered by these consultants ranges from a few thousand dollars to nearly one-half million dollars. Councilman Jones noted that there are two alternatives in employing these consultants. He stated that one option is to pay a set negotiated fee where all of the unpaid taxes that are collected as a result of the audit return to the municipality, or the other option is not to pay any fees for the conduct of the audit, and to merely split, on a 50-50 basis, the proceeds that are recovered as a result of the audit. He noted that the County of Wythe has indicated that they would like to proceed with retaining these consultants and has suggested that they execute the contract on the basis of the 50-50 agreement. Councilman Jones stated that given that the Town will have no expense under this scenario, it would be the Committee's recommendation that they proceed with executing a contract with the Telecommunications Consulting Associates on the split fee basis, provided also that Wythe County executes a similar contract with this consulting firm. A motion was made by Councilman Jones and seconded by Vice-Mayor King to proceed with executing the contract on the 50-50 split fee basis to perform an audit on cable television providers in Wytheville with Telecommunications Consulting Associates provided that the County executes a similar contract. Mayor Crewe inquired if there was 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., 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, stated that the Committee was asked to review a request for the installation of a four-way stop sign configuration at the intersection of Fifth and Liberty Streets. He stated that as they understand, there are several children who reside in this vicinity, and the person making the request thought that a four-way stop sign situation may create a safer environment for those children. He noted that as the Council knows, they have installed four-way stop signs at a number of locations in Town, but all of these have been situations where the volume of traffic, sight distance, or other factors warranted these new traffic control measures. Councilman Lambert stated that the Committee reviewed this intersection and would note that there are relatively low volumes of traffic from both approaches to this intersection. He noted that currently, traffic proceeding east and west on Liberty Street is controlled by stop signs at Fifth Street. He explained that after reviewing the matter, the Committee does not currently feel that there is a need for the installation of these additional signs. He noted that the Committee would, however, agree to continue to watch this intersection to determine if these additional traffic control measures would be beneficial. He stated that, therefore, it is the recommendation of the Public Works Committee that they take no action at this time with regard to this inquiry. Mayor Crewe stated that if someone wanted to take action, he would entertain a motion, but otherwise, no action would be taken.

Councilman Lambert stated that they are pleased to report that the extension of the new water line that will serve Gatorade and other industries in Progress Park is very nearly completed. He noted that there have been a large number of infrastructure improvements that have either been constructed or are under construction to accommodate the industries in Progress Park. He stated that beyond the water line, which was constructed by the Town of Wytheville, Wythe County is currently developing roadways, a railway line, and is providing sewer service to Progress Park. Councilman Lambert stated that the water line that the Town has just finished constructing consisted of a combination of 20-inch and 16-inch water lines that began at a point near Edgemont Center and proceeded eastwardly along Chapman Road and then northwardly into Progress Park. He noted that the total cost of this water line improvement was approximately \$2.5 million. He stated that the new line has all been pressure tested and is currently undergoing bacteriological testing. He noted that assuming these biological tests are acceptable, they would anticipate that the Gatorade facility would commence using water within the next week. Councilman Lambert stated that the Committee is very pleased with the Town's contractor, A. J. Connor, who has completed this project in less than the allotted time. He noted that this project was only conceived in July of last year, and, thereafter, it was necessary for the Town to acquire loan funds, have the project designed, construct the project, and have it all completed by March 1, 2006. He stated that, fortunately, the Town has met their deadlines on this project. Councilman Lambert explained that as they have noted before, this project is not only important to serve industries within Progress Park, but it is also an essential component of the new water line that will connect the systems of Wytheville and Wythe County to the new water treatment plant being constructed on the New River by the New River Regional Water Authority. A copy of the Public Works Committee Report is attached and made part of these minutes. ([Attachment](#)).

#### **RE: ORDINANCE NO. 1197 – PUBLIC URINATION AND DEFECATION AND CURFEW**

Mayor Crewe stated the next agenda item is Ordinance No. 1197, An Ordinance Amending and Reenacting Chapter 9, Offenses—Miscellaneous, Article I. In General, Section 9-14.2, Public Urination and Defecation Prohibited, and Article II. Minors, Section 9-57. Curfew—Generally, of the Code of the Town of Wytheville. He noted that it is the recommendation of the Budget and Finance Committee for it to be approved on first but not yet final reading. He explained that the ordinance deals with public urination and defecation and minor curfew. A motion was made by Councilman Jones and seconded by Vice-Mayor King to approve the ordinance on first reading. Mayor Crewe inquired if there is any discussion on the motion. Councilman Jones stated that at the last Council meeting, Mr. Frankie Scott was present and mentioned something regarding a teenager going home from work. Mayor Crewe stated that in the first paragraph under Section 9-57, it reads, "this section shall not apply to a minor accompanied by his parent, guardian or other adult person . . . or when the minor is upon an emergency errand or legitimate business directed by his parent . . . ." He noted that if a minor was getting off work or going towards work, that would be a legitimate business purpose, which he believes covers the condition Mr. Scott inquired about. Town Manager Sutherland stated that a copy of the ordinance was forwarded to Mr. Frankie Scott. 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., H. Judson Lambert. Against: None. Mayor Crewe stated that Ordinance No. 1197 was approved on first reading. He noted that this is not the final reading of the ordinance.

#### **RE: RESOLUTION – TOBACCO COMMISSION FUNDS**

Mayor Crewe stated the next agenda item is a resolution which authorizes the Town to apply for Tobacco Indemnification and Community Revitalization Commission funds. He explained that this authorizes the submission of the application and the Town Manager is authorized to execute all grant-related documents, and he is responsible for the accuracy of the application and for the appropriate use of the funds if the grant is received. He noted that this is something that is required by the Tobacco Commission in order to apply for funding and does not mean the Town will get the funding, only a requirement to submit the application. Town Manager Sutherland stated that the Town received a letter today from Congressman Boucher endorsing the application and the project. A motion was made by Councilman Jones and seconded by Councilman Lambert to adopt the resolution authorizing the Town to apply for Tobacco Indemnification and Community Revitalization Commission funds. Mayor Crewe inquired if there was any 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., H. Judson Lambert. Against: None. A copy of the resolution is attached and made part of these minutes.

**RE: ADJOURNMENT**

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:15 p.m.).

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Trenton G. Crewe, Jr., Mayor

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Sharon P. Hackler, MMC, Clerk of Council

## **BUDGET AND FINANCE COMMITTEE REPORT**

**FEBRUARY 27, 2006**

1. Later this evening, the Council will consider an ordinance that amends the Town Code with regard to two matters. First, miscellaneous offences that are established in Chapter 9 of the Town Code will provide new regulations that prohibit public urination and defecation. It was determined that specific regulations with regard to public urination and defecation would more accurately describe the nature of the violation than the current regulations, which would charge an offender with indecent exposure. As we have discussed previously, the charge of indecent exposure does not accurately reflect the violation. This section of Code would provide that no person shall urinate or defecate in any public place in such a manner as to expose his or her genitals, where a public place is defined as a location where the conduct can be viewed by someone who is not related to the person. Any person who violates this section of the Town Code would be guilty of a Class 4 misdemeanor. Secondly, the ordinance that will be considered this evening will also consider the establishment of punishment for juveniles who violate the curfew section of the Town Code. Currently, this section of the Town Code does not establish a penalty for violation. The ordinance, as proposed, would provide that any minor who has not previously been issued a warning for any such violation shall receive a verbal warning, which shall be confirmed by a written warning mailed by the Police Department to the minor's parents or guardians. A minor who has previously been issued a warning for a violation, upon conviction, shall be guilty of a Class 4

misdemeanor and be required to serve a mandatory sentence of sixteen hours of community service.

We have sent the ordinance in its current form to the Commonwealth's Attorney, seeking any suggestions or revisions they may feel are needed. It would be our suggestion that when the Council considers this ordinance this evening that we adopt it on the first of three readings, which will give the Commonwealth's Attorney additional time to provide comments.

2. At the most recent meeting of the Joint Governing Bodies, a representative of the Telecommunications Consulting Associates presented a proposal to perform an audit on cable television providers in Wytheville and Wythe County. According to the consultant, their audits of cable television companies always revealed a number of unpaid taxes to a municipality. The amount of unpaid taxes that has been discovered by these consultants ranges from a few thousand dollars to nearly one-half million dollars. There are two alternatives in employing these consultants. One option is to pay a set negotiated fee where all of the unpaid taxes that are collected as a result of the audit return to the municipality. The other option is not to pay any fees for the conduct of the audit, and to merely split, on a 50-50 basis, the proceeds that are recovered as a result of the audit. The County of Wythe has indicated that they would like to proceed with retaining these consultants and has suggested that we execute the contract on the basis of the 50-50 agreement. Given that we will have no expense under this scenario, it would be our recommendation that we

proceed with executing a contract with the Telecommunications Consulting Associates on the split fee basis, provided also that Wythe County executes a similar contract with this consulting firm.

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Jacqueline K. King

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John W. Jones, Jr.

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## **PUBLIC WORKS COMMITTEE REPORT**

**FEBRUARY 27, 2006**

1. Our Committee was asked to review a request for the installation of a four-way stop sign configuration at the intersection of Fifth and Liberty Streets. As we understand, there are several children who reside in this vicinity, and the person making the request thought that a four-way stop sign situation may create a safer environment for those children. As the Council knows, we have installed four-way stop signs at a number of locations in town, but all of these have been situations where the volume of traffic, sight distance, or other factors warranted these new traffic control measures. Our Committee reviewed this intersection and would note that there are relatively low volumes of traffic from both approaches to this intersection. Currently, traffic proceeding east and west on Liberty Street is controlled by stop signs at Fifth Street. After reviewing the matter, we do not currently feel that there is a need for the installation of these additional signs. We would, however, agree to continue to watch this intersection to determine if these additional traffic control measures would be beneficial. Therefore, it is the recommendation of the Public Works Committee that we take no action at this time with regard to this inquiry.
  
2. We are pleased to report that the extension of the new water line that will serve Gatorade and other industries in Progress Park is very nearly

completed. There have been a large number of infrastructure improvements that have either been constructed or are under construction to accommodate the industries in Progress Park. Beyond the water line, which was constructed by the Town of Wytheville, Wythe County is currently developing roadways, a railway line, and is providing sewer service to Progress Park. The water line that the Town has just finished constructing consisted of a combination of 20-inch and 16-inch water lines that began at a point near Edgemont Center and proceeded eastwardly along Chapman Road and then northwardly into Progress Park. The total cost of this water line improvement was approximately \$2.5 million. The new line has all been pressure tested and is currently undergoing bacteriological testing. Assuming that these biological tests are acceptable, we would anticipate that the Gatorade facility would commence using water within the next week.

We are very pleased with our contractor, A. J. Connor, who has completed this project in less than the allotted time. This project was only conceived in July of last year, and, thereafter, it was necessary for the Town to acquire loan funds, have the project designed, construct the project, and have it all completed by March 1, 2006. Fortunately, we have met our deadlines on this project. As we have noted before, this project is not only important to serve industries within Progress Park, but it is also an essential component of the new water line that will connect the systems of Wytheville and Wythe

County to the new water treatment plant being constructed on the New River  
by the New River Regional Water Authority.

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William B. Weisiger

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H. Judson Lambert

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