

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, APRIL 10, 2006, AT 7:00 P.M.**

Members present: Jacqueline K. King, William B. Weisiger, H. Judson Lambert

Members absent: Trenton G. Crewe, Jr., John W. Jones, Jr.

Others present: Town Manager C. Wayne Sutherland, Jr., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon P. Hackler, Town Treasurer Michael G. Stephens, Town Attorney Robert P. Kaase, Police Officer Chris Irvin, Ty King, Elaine Smith, Keith Burress, Frank Harden, Edna Jones, Fay Cruickshank, William Harden, Glenna Taylor, Mike Webb, Agnes Eades, others

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

In the absence of Mayor Crewe, Vice-Mayor King called the meeting to order and established that a quorum of Council members was present. She advised that Mayor Crewe is out of town and had a death in the family in Emporia. Vice-Mayor King noted that Mayor Crewe is on his way back, but it will be about one and one-half hours before he arrives. The invocation was given by Councilman Weisiger followed by the Pledge of Allegiance led by Councilman Lambert.

**RE: CONSENT AGENDA**

Vice-Mayor King presented the consent agenda consisting of the minutes of the regular meeting of March 27, 2006; the request of the National Day of Prayer for waiver of fee for use of the Elizabeth Brown Memorial Park on May 4, 2006, for National Day of Prayer; the request of the Wythe County JROTC for waiver of fee for use of the Community Center on May 5, 2006, for a banquet; and, the request of the New River Highlands Resource Conservation and Development for waiver of fee for use of the Community Center on May 25, 2006. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to approve the consent agenda consisting of the minutes of the regular meeting of March 27, 2006; the request of the National Day of Prayer for waiver of fee for use of the Elizabeth Brown Memorial Park on May 4, 2006, for National Day of Prayer; the request of the Wythe County JROTC for waiver of fee for use of the Community Center on May 5, 2006, for a banquet; and, the request of the New River Highlands Resource Conservation and Development for waiver of fee for use of the Community Center on May 25, 2006. Vice-Mayor King 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: Jacqueline K. King, William B. Weisiger, H. Judson Lambert. Against: None.

**RE: PUBLIC HEARING – HARDEN SPECIAL EXCEPTION PERMIT**

Vice-Mayor King stated the meeting constituted a public hearing (due notice having been given) to consider the request of Mr. Frank D. Harden for a special exception permit to locate a doublewide manufactured home at 895 South 14<sup>th</sup> Street, which is located on the west side of 14<sup>th</sup> Street between Jackson and Madison Streets, in an R-3 Residential District. She advised that the Council has the information from the Planning Commission. Vice-Mayor King noted that the Planning Commission recommended approval of the permit conditioned that the home must have vinyl siding, be placed on a permanent foundation, and have a pitched shingle roof. She advised that action on this matter will be taken later in the meeting. She inquired if there are persons present who wish to address the Town Council during this public hearing. There being none, she declared the public hearing closed.

**RE: PUBLIC HEARING – M-1M ZONING REGULATIONS**

Vice-Mayor King stated the meeting also constituted a public hearing (due notice having been given) to consider the amendment to the Town of Wytheville Zoning Ordinance to include Article XII-M, M-1M Industrial District regulations. She noted that the Town Council has this information in the Council notebook. Vice-Mayor King inquired if there are persons present who wish to address the Town Council regarding this matter. There being none, she declared the public hearing closed.

**RE: CITIZENS' PERIOD**

Vice-Mayor King stated the next agenda item is Citizens' Period. She noted that Ms. Ty King desired to address the Town Council, but advised that Town Manager Sutherland is going to address Ms. King's concerns regarding traffic at Spiller School under Old Business, but Ms.

King is welcome to address the Town Council. Ms. King remarked that she did not desire to speak unless she has to. Vice-Mayor King inquired if there is anyone who desired to address the Town Council during Citizens' Period. There being none, she proceeded with the agenda.

### **RE: OLD BUSINESS**

Under Old Business, Town Manager Sutherland reported the following:

1. There will only be one Committee meeting this week, and this will be held on Thursday. Councilman Weisiger inquired regarding the meeting being on Thursday. Town Manager Sutherland stated the meeting day could be changed. Councilman Weisiger noted that he thought everyone had agreed to meet on Wednesday, but advised that possibly he is mistaken. Town Manager Sutherland noted the meeting could be held on Wednesday. Councilman Weisiger noted that possibly it was decided to meet on Thursday, but inquired if the meeting could be held on Wednesday and inquired if this is acceptable to Vice-Mayor King. Vice-Mayor King stated that she has a doctor's appointment at 8:30 a.m. on Wednesday, so she would need to leave by that time. Town Manager Sutherland stated he has to be on the Danny G Show at 7:00 a.m. Wednesday morning. Vice-Mayor King inquired if the Committee meeting could be held on Friday morning. Councilmen Lambert and Weisiger advised that Friday is acceptable to them. Town Manager Sutherland stated that the Committee meeting this week will be on Friday morning at 7:00 a.m.
2. As the Council knows, there was an action previously to erect "No Left Turn" signs on Pine Street that would prohibit vehicles that are proceeding west on Pine Street from making a left turn into the Spiller School front parking lot. The Town has ordered those signs, and the Town has erected the post, but the Town has not yet erected the signs. The Town was making preparations to erect the signs. One component of this was for the school to give notice to the parents that these new traffic regulations would be put into place. Once this started happening, there were a number of concerns that were expressed with regard to the installation of the new signs. Since the Town does not have the signs that have been ordered, it may be worth the Committee's time to review this on Friday morning to see if there are any other measures, or if the Council wants to implement the action as it was approved, or if it needs to be amended. These discussions probably need to involve the Wythe County School Board. There are some opportunities for the school to at least look at the things they may do on their own behalf to facilitate the traffic movement. This can be done however the Council wants to handle it. Councilman Weisiger inquired if the Town should invite any concerned parties. Town Manager Sutherland stated there are people attending this meeting who may desire to attend the Committee meeting. Councilman Weisiger inquired if the parents would like to attend the Committee meeting Friday morning. Vice-Mayor King noted that the meeting is at 7:00 a.m. Ms. Ty King inquired if the meeting is in this building. Vice-Mayor King stated that is correct. Town Manager Sutherland indicated that he will confirm the meeting with Ms. King. Vice-Mayor King noted that the Town should confirm the time with the School Board. Town Manager Sutherland stated he cannot imagine that the Town will be able to get the School Board representatives to a meeting this quickly, but Town staff will try. He noted they will have to see how the meeting agenda goes because he fully hopes that Town Treasurer Stephens can give the Committee the information on the water/sewer side of the budget.

Vice-Mayor King indicated that those attending the meeting are welcome to stay for the remainder of the meeting. She thanked them for attending the Council meeting.

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

Vice-Mayor King, reporting for the Budget and Finance Committee, reported that the Town received a letter from the Wythe Arts Council, Ltd. seeking action by the Town on a number of matters relating to the annual Chautauqua Festival. She noted that several of these requests involve the waiver of fees for use of recreational facilities, and, as such, the Recreation Director has reviewed and endorsed the requests. Vice-Mayor King advised that a copy of the letter from the Wythe Arts Council and the Request for Waiver of Fees are attached for the Council's review. She indicated that the Committee has reviewed the requests by the Arts Council and finds them to be essentially the same requests that have been made for many years. Vice-Mayor King pointed out that the Committee does not anticipate a problem with any of these items. She stated the Committee would note that the Town has, again this year, applied for grant funds on the Arts Council's behalf. Vice-Mayor King explained that, as such, for all of the areas where fees are being requested to be waived, the Arts Council will need to pay these fees

(up to \$5,000) and then be reimbursed by the Town, provided they receive the grant funds. She noted that the Town Council applauds the Wythe Arts Council's continued efforts in bringing quality entertainment to the citizens. Vice-Mayor King stated it is the recommendation of the Budget and Finance Committee that the Council approve the requests of the Wythe Arts Council with the stipulations noted earlier. She remarked that this motion does not need a second since it is a recommendation from the Committee. Vice-Mayor King 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: Jacqueline K. King, William B. Weisiger, H. Judson Lambert. Against: None.

Vice-Mayor King also reported that over the past several weeks, both Committees have had the opportunity to review the various requests of various departments concerning the appropriations they are requesting in the General Fund side of the budget for fiscal year 2006-2007. She advised that currently, the total of all appropriations requested exceeds the revenues that are available. Vice-Mayor King indicated that in reviewing the information submitted by department heads, the Committee finds that virtually all of the requests are well thought out and would serve the Town well. She explained, however, there are not enough revenues to fund all of the requested appropriations. Vice-Mayor King stated that later in the meeting, the Council will hold a budget work session, and they will review the projections for the revenue side of next year's budget as well as the recommendations of expenditures within the General Fund. She noted that this session will give the Council an understanding of the revenues that will be available for next year and help them balance the expenditures for the General Fund with available revenues. Vice-Mayor King indicated that at the April 24 budget work session, hopefully, the Committee can be in a position to make determinations on the revenues and the appropriations for the Water/Sewer side of the proposed budget. 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 the Committee has received a request from Birchwood Apartments, which are located on Birch Drive, for parallel parking spaces to be painted along the northern border of the street. He noted that there are five apartment buildings situated on Birch Drive, and the apartment complex has provided the number of off street parking spaces required by the Town's Zoning Ordinance. Councilman Weisiger commented, however, that apparently, at times, there are more vehicles in this apartment complex than the existing parking lots can accommodate, and, therefore, there are a number of vehicles parking along Birch Drive. He stated that as the Committee understands, this periodically poses problems in that vehicles are parking in a variety of directions and generally impede the ingress and egress of other vehicles attempting to use Birch Drive. Councilman Weisiger explained that the Committee thinks this request is reasonable and will direct the Public Works Department to install these markings for parking spaces unless there is some concern by Council. He noted that in addition, the Committee thinks if the parking spaces are created that the Council should also ask the Police Department to enforce parking regulations along this section of roadway. Councilman Weisiger noted that this would not be two-hour parking. Town Manager Sutherland stated that is correct. It was the consensus of the Council to proceed with the marking for the parking spaces along the northern border of Birchwood Drive and to ask the Police Department to enforce the parking regulations once the markings are completed.

Councilman Weisiger also reported that the Town has received a request from the George Wythe High School Class of 1956 Reunion Committee to conduct a parade on September 23, 2006, at 1:00 p.m. Town Manager Sutherland interjected that the Reunion Committee has requested that the parade route be reversed. Councilman Weisiger stated the Committee has requested that the parade consist of a motorcade starting at 12<sup>th</sup> Street near the Super Dollar Store and proceed along Main Street to the Municipal Offices. Town Manager Sutherland advised that this is their request. Councilman Weisiger advised that the Committee has also requested that there be a police escort at the front and rear of the reunion parade. He noted that the Committee has reviewed this request and would recommend that a parade permit be issued to the George Wythe High School Class of 1956 Reunion Committee, but that the Town make no obligations with regard to police escorts. Councilman Weisiger stated those are details that can be arranged between the Reunion Committee and the Police Department. He advised that generally speaking, the Town does not provide police escorts for both the front and rear of parade activities, but the Council would leave this matter to be determined at a later date. A motion was made by Councilman Weisiger and seconded by Councilman Lambert that the Council issue a parade permit to the George Wythe High School Class of 1956 Reunion Committee to conduct a parade on September 23, 2006, at 1:00 p.m. Councilman Weisiger inquired if reversing the parade route is not a problem. Town Manager Sutherland advised that

he does not think reversing the parade route will cause a problem. Vice-Mayor King 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: Jacqueline K. King, 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. 1200 – CONSUMPTION TAX**

Vice-Mayor King presented Ordinance No. 1200, an ordinance amending and reenacting Chapter 7, Licenses and Business Regulations, Section 7-57, Heat, Light, Power and Gas Companies, of the Code of the Town of Wytheville, Virginia, on first reading. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to suspend the rules and adopt Ordinance No. 1200, an ordinance amending and reenacting Chapter 7, Licenses and Business Regulations, Section 7-57, Heat, Light, Power and Gas Companies, of the Code of the Town of Wytheville, Virginia, on first and final reading. Vice-Mayor King inquired if there is any discussion on the motion. Town Manager Sutherland pointed out that if anyone has any questions, Town Treasurer Stephens is attending the meeting and will be able to answer them. There being no discussion on the motion, it was approved with the following voting in favor and there being no opposition:

FOR: Jacqueline K. King, William B. Weisiger, H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1200 was adopted on first and final reading.

**RE: ORDINANCE NO. 1201 – M-1M ZONING REGULATIONS**

Vice-Mayor King presented Ordinance No. 1201, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to include Article XII-M, Industrial District M-1M, on first reading. Councilman Weisiger inquired if the Council should adopt this ordinance on first and final reading or if it should go through several readings. Town Manager Sutherland answered that it would be the preference of the Council, and inquired of Assistant Town Manager Moore if there is any urgency on this ordinance. Assistant Town Manager Moore advised that the Joint Industrial Development Authority would have the only urgency regarding this matter, and it is going to be more difficult now as to where to place these regulations and what boundaries there will be should they decide to rezone the land. Town Manager Sutherland noted that this is merely creating a district. Assistant Town Manager Moore advised that is correct. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to suspend the rules and adopt Ordinance No. 1201, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to include Article XII-M, Industrial District M-1M, on first and final reading. Vice-Mayor King 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: Jacqueline K. King, William B. Weisiger, H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1201 was adopted on first and final reading.

**RE: SPECIAL EXCEPTION PERMIT – FRANK HARDEN**

Vice-Mayor King stated the next agenda item is the issuance of a special exception permit to Mr. Frank Harden to locate a doublewide manufactured home at 895 South 14<sup>th</sup> Street, which is located on the west side of 14<sup>th</sup> Street between Jackson and Madison Streets, in an R-3 Residential District. A motion was made by Councilman Weisiger to grant the special exception permit to Mr. Frank Harden to locate a doublewide manufactured home at 895 South 14<sup>th</sup> Street, which is located on the west side of 14<sup>th</sup> Street between Jackson and Madison Streets, in an R-3 Residential District with the stipulations recommended by the Planning Commission which are that the doublewide manufactured home must have vinyl siding, be placed on a permanent foundation, and have a pitched shingle roof. The motion was seconded by Councilman Lambert. Vice-Mayor King inquired if there is any discussion on the motion. Councilman Lambert stated

he thought the Council may give Mr. Harden the option of having a shingle roof or a metal roof, if he is interested in a metal roof. Councilman Weisiger indicated that he does not see any problems with including the option of a metal roof. He noted he will amend his motion to include the stipulation that the doublewide manufactured home may have a shingle or a metal roof. Councilman Lambert stated he will second the amendment to the motion. Vice-Mayor King 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: Jacqueline K. King, William B. Weisiger, H. Judson Lambert. Against: None. Vice-Mayor King advised Mr. Harden that his special exception permit was approved. Ms. Edna Jones inquired as to when they can expect to receive the permit so they can start moving the doublewide. Town Manager Sutherland indicated that Town staff can issue the special exception permit tomorrow, but noted he did not know if the Hardens have met with Building Official Massie about building permits and these types of things. Ms. Jones stated she was in the office this morning and was advised that they needed some types of permits, but noted she is sure she can find out what they were and get them. Town Manager Sutherland indicated that as far as the approval of the special exception permit, Town staff can have it ready some time tomorrow. Ms. Jones inquired if it would be acceptable to notify the company that they are getting the doublewide from that they can start laying the footers, etc. Vice-Mayor King stated they may need to talk to Building Official Massie. Assistant Town Manager Moore advised Ms. Jones that they will need to stop by to see Building Official Massie regarding the building permit. Ms. Jones inquired as to where Mr. Massie's office is located. Assistant Town Manager Moore indicated that his office is in the Engineering Department. Vice-Mayor King thanked the Harden family for attending the meeting.

#### **RE: WALL OF HONOR SPORTS HALL OF FAME NOMINEES**

Vice-Mayor King advised that the Council has received a recommendation from the Wall of Honor Committee to approve the nominees for inclusion on the Sports Hall of Fame Monument, which includes the names of Charlie Winborne and Dr. Lee Willis. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to accept the recommendation from the Wall of Honor Committee to include the names of Charlie Winborne and Dr. Lee Willis on the Sports Hall of Fame Monument. Vice-Mayor King 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: Jacqueline K. King, William B. Weisiger, H. Judson Lambert. Against: None.

#### **RE: SPECIAL EXCEPTION PERMIT – FRANK HARDEN**

Town Manager Sutherland advised that the special exception permit, as it was written, will need to be amended to include the metal roof, and Mr. Richard Martel, Chairman of the Planning Commission, will need to re-sign the permit. Councilman Lambert noted he thought Mr. Harden may like the option of having a metal roof. He stated that also, he thinks the Council set a precedent for anyone else who would like to do that. Councilman Weisiger advised that he does not think Mr. Harden will want to spend the extra money for the metal roof. Councilman Lambert advised that he agreed. Town Attorney Kaase indicated that he does not think the Hardens heard and understood the amendment. He noted that Town staff may want to explain the permit to the Hardens. Town Attorney Kaase reiterated that he does not think the Hardens heard the amendment.

#### **RE: WYTHEVILLE COMMUNITY GARDEN**

Vice-Mayor King stated she wants everyone to tell their friends and neighbors about the Wytheville community garden and ask them to call 223-3355 and reserve their spot. Councilman Weisiger inquired if anyone has reserved a garden spot. Vice-Mayor King indicated that she does not know if anyone has paid their money for a garden spot and inquired if Town staff knows. She noted there have been two or three people interested. Vice-Mayor King stated that the Town needs to get the word out about the garden spots.

#### **RE: ADJOURNMENT**

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:30 p.m.). Vice-Mayor King remarked that the Council will now hold a budget work session.

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Jacqueline K. King, Vice-Mayor

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Sharon P. Hackler, MMC, Clerk of Council



## **BUDGET AND FINANCE COMMITTEE REPORT**

**APRIL 10, 2006**

1. We have received a letter from the Wythe Arts Council, Ltd. seeking action by the Town on a number of matters relating to the annual Chautauqua Festival. Several of these requests involve the waiving of fees for use of recreational facilities, and, as such, the Recreation Director has reviewed and endorsed the requests. A copy of the letter from the Wythe Arts Council and the Request for Waiver of Fees are attached for your review.

We have reviewed the requests by the Arts Council and find them to be essentially the same requests that have been made for many years. We do not anticipate a problem with any of these items. We would note that the Town has, again this year, applied for grant funds on the Arts Council's behalf. As such, for all of the areas where fees are being requested to be waived, the Arts Council will need to pay these fees (up to \$5,000) and then be reimbursed by the Town, provided they receive the grant funds.

We applaud the Wythe Arts Council's continued efforts in bringing quality entertainment to our citizens. It is the recommendation of the Budget and Finance Committee that the Council approve the requests of the Wythe Arts Council with the stipulations noted earlier.

2. Over the past several weeks, both Committees have had the opportunity to review requests of various departments concerning the appropriations they are requesting in the General Fund side of the budget for fiscal year 2006-2007. Currently, the total of all appropriations requested exceeds the revenues that are available. In reviewing the information submitted by department heads, we find that virtually all of the requests are well thought out and would serve the Town well. However, there are not enough revenues to fund all of the requested appropriations. Later this evening, the Council will hold a budget work session, and we will review the projections for the revenue side of next year's budget as well as the recommendations of expenditures within the General Fund. This session will give us an understanding of the revenues that will be available for the next year and help us balance the expenditures for the General Fund with available revenues. At the April 24 budget work session, hopefully we can be in a position to make determinations on the revenues and the appropriations for the Water/Sewer side of the proposed budget.

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Jacqueline K. King

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John W. Jones, Jr.

## **PUBLIC WORKS COMMITTEE REPORT**

**APRIL 10, 2006**

1. Our Committee has received a request from Birchwood Apartments, which are located on Birch Drive, for parallel parking spaces to be painted along the northern border of this street. There are five apartment buildings situated on Birch Drive, and the apartment complex has provided the number of off street parking spaces required by our Zoning Ordinance. However, apparently, at times, there are more vehicles in this apartment complex than the existing parking lots can accommodate, and, therefore, there are a number of vehicles parking along Birch Drive. As we understand, this periodically poses problems in that vehicles are parked in a variety of directions and generally impede the ingress and egress of other vehicles attempting to use Birch Drive. We think this request is reasonable and will direct the Public Works Department to install these markings for parking spaces unless there is some concern by Council. In addition, we think if the parking spaces are created that we should also ask the Police Department to enforce parking regulations along this section of roadway.
2. We have received a request from the George Wythe High School Class of 1956 Reunion Committee to conduct a parade on September 23, 2006, at 1:00 p.m. The Committee has requested that the parade consist of a motorcade starting at the municipal offices and proceeding westerly along

Main Street to a point at Twelfth Street near the Super Dollar store. The Committee has also requested that there be a police escort at the front and rear of the reunion parade. Our Committee has reviewed this request and would recommend that a parade permit be issued to the George Wythe High School Class of 1956 Reunion Committee but that we make no obligations with regard to police escorts. Those are details that can be arranged between the Reunion Committee and the Police Department. Generally speaking, we do not provide police escorts for both the front and rear of parade activities, but we would leave this matter to be determined at a later date.

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William B. Weisiger

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H. Judson Lambert