

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, APRIL 24, 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 Treasurer Michael G. Stephens, Town Attorney Robert P. Kaase, Police Officer Joe Posillico, Danny Gordon with WYVE/WXBX, Justin Harmon with Wytheville Enterprise, Amanda Bentley, Brandon Bentley

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

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

**RE: CONSENT AGENDA**

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting and the work session of April 10, 2006. A motion was made by Councilman Lambert and seconded by Vice-Mayor King to approve the consent agenda consisting of the minutes of the regular meeting and the work session of April 10, 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., H. Judson Lambert. Against: None.

**RE: CITIZENS' PERIOD**

Mayor Crewe stated the next agenda item is Citizens' Period. He inquired if there are persons present who wished to address the Council during Citizens' Period. Mayor Crewe advised that he does not have any indication that anyone wants to address the Town Council, but if someone does, the Council would be glad to hear from them. There being no one to address the Council during Citizens' Period, Mayor Crewe proceeded with the agenda.

**RE: OLD BUSINESS**

Under Old Business, Town Manager Sutherland reported the following:

1. There will not be a Public Works Committee meeting tomorrow morning, April 25, but there will be a Budget and Finance Committee meeting on Thursday morning, April 27.

**RE: BUDGET AND FINANCE COMMITTEE REPORT**

Councilman Jones, reporting for the Budget and Finance Committee, reported that for a number of months, there have been discussions regarding the elimination of the requirement to place a decal on the windshield of a vehicle to reflect the payment of the local vehicle license fee. He stated that because this topic has become so popular around the state, many local governments have taken a variety of actions to eliminate the need for the decal, but yet to collect the local license fees. Councilman Jones advised that this year, the General Assembly passed House Bill 670, which directs the Department of Motor Vehicles to develop a program and offer it to all localities as a method to collect local license fees. He explained that because the DMV is not prepared to implement such a program, they are forming a planning committee of local treasurers and finance directors to assist in the implementation of the program. Councilman Jones stated that Town Treasurer Michael Stephens has contacted the DMV and noted the Town's interest in the program and the Town's willingness to assist in its implementation. He advised that the Town believes the implementation of a statewide program will run far more smoothly than the current hodgepodge of programs that are being developed around the state.

Councilman Jones also reported that over the past couple of months, both Committees have had the opportunity to receive information with regard to the development of the budget for fiscal year 2006-07. He noted the tentative schedule that was adopted at the January 9, 2006, meeting of Council appears to be on schedule. Councilman Jones commented that later in the meeting, there will be a budget work session where the revenues and appropriations for the

Water and Sewer side of the budget will be discussed. He noted that presently, the budget is scheduled to be considered on first reading at the May 8 meeting, and the second reading and the public hearing are scheduled for May 22. Councilman Jones advised that the final reading and adoption of the budget is scheduled for June 12, and in the event there are problems or questions with the budget, there will be an opportunity for revisions at the meeting on June 26. He noted that with regard to the discussion later at this meeting concerning the Water and Sewer Fund, the Committee has determined that revenues for the upcoming year will be in the range of \$3.9 million. Councilman Jones explained that the revenues for the sale of water will increase slightly assuming that the Gatorade facility starts consuming water later this year. He advised that other revenue sources within this fund will remain relatively constant. Councilman Jones stated that the operational expenses for the water and wastewater operations are approximately \$4.3 million with the difference in operational expenses and revenues to be funded by existing revenues within the Water and Sewer Fund. He noted there are approximately \$8 million worth of capital improvement requests within the budget, and none of these have been included. Councilman Jones stated given that there is no funding available within the drafted budget for capital projects, the Council will, no doubt, have to consider, on an individual basis, emergency or needed maintenance activities or construction activities that are currently unfunded. He explained that no action is required by the Council at this time, but the Committee did want to provide citizens with a general overview of the budget development process to date. Mayor Crewe advised that the Council will conduct a budget work session following this meeting. 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 at the March 13, 2006, meeting of the Council, the Committee reported that there was traffic congestion around Spiller Elementary School in the afternoons when children were being picked up from school, and, subsequently, recommended that traffic proceeding west on Pine Street be prohibited from making left turns into the front parking lot of Spiller School between the hours of 2:00 p.m. and 3:30 p.m. He noted that at the last meeting of Council, several parents were present and asked the Council to reconsider its prior action to erect the "No Left Turn" signs. Councilman Lambert advised that the Committee reviewed this matter last week at their meeting, and, after considering all of the ramifications, agreed that the prior action by the Council to erect signs prohibiting left turns should be implemented. He remarked that as the Council noted previously, there is considerable congestion on Pine Street in the afternoons that essentially makes the entire street impassible. Councilman Lambert explained that this poses a problem not only for the residents on Pine Street, but, also, for the other residents in that general vicinity. He stated the Committee would note, also, that the traffic congestion around Spiller School also poses some concern with regard to emergency vehicles being able to respond to a situation in that vicinity. Councilman Lambert commented that in brief, the Committee thinks it is worthwhile to erect the signs and monitor the situation to see if this proves beneficial. He stated that in addition, the Committee has also reviewed other traffic control measures that may improve the congestion around Spiller Elementary School. Councilman Lambert remarked that the Committee will be looking at these alternatives in the near future, but all of them will necessarily involve the coordination and cooperation of the Wythe County School Board.

Councilman Lambert also reported that the Town regularly receives complaints regarding inoperable motor vehicles. He noted that many of these complaints involve individual vehicles that have been abandoned on private property around town. Councilman Lambert stated that the Police Department regularly gives notice to property owners and takes the appropriate actions to see that these inoperable vehicles are removed. He indicated that unfortunately, the abandonment of inoperable vehicles is a never ending cycle. Councilman Lambert advised that one of the problems the police encounter in enforcing the removal of junk vehicles is that the Town's regulations currently provide that vehicles which are under cover are not subject to be removed. He stated the Town's regulations provide that "under cover" can include the use of a tarp that will conceal the vehicle. Councilman Lambert advised that tarps are a very ineffective arrangement for concealing junk vehicles in that they regularly blow off the vehicles and are generally not reattached until the Town seeks enforcement measures. He stated that as a related issue, the Town regularly has complaints about inoperable motor vehicles at business locations throughout town that are being housed as the result of a wrecker service activity. Councilman Lambert indicated that the Town contacted the Virginia Department of Motor Vehicles and found that there are a number of State laws that regulate wrecker services and the storage of damaged automobiles. He stated that the Police Department facilitated a meeting with representatives from the Department of Motor Vehicles and all of the businesses in town that are involved in wrecker services or the storage of vehicles. Councilman Lambert noted that all of these vendors have now been provided information about the applicable State laws and

are aware that they need to be in compliance with these laws. He remarked that later in the meeting, the Council will consider an ordinance which will amend the Town's regulations with regard to inoperable motor vehicles. Councilman Lambert commented that during the meeting with the DMV representatives, Town staff learned that some of the Town's regulations were in conflict with State law. He noted that additionally, it was noted that many communities prohibit the use of tarps as a mechanism to conceal an inoperable motor vehicle. Councilman Lambert indicated that the ordinance that is presented at this meeting will correct the discrepancies between the Town's regulations and State law, and, additionally, prohibit the use of tarps as an acceptable means of concealing junk vehicles. Mayor Crewe indicated that the Council will consider the ordinance later in the meeting.

Mayor Crewe stated his understanding is the "No Left Turn" signs at Spiller School have been erected, they are covered, the letter has gone home to the parents, and the signs will be uncovered tomorrow afternoon and inquired if that is correct. Town Manager Sutherland stated that is correct. Mayor Crewe advised that the Council will monitor this situation and see what happens. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

### **RE: ORDINANCE NO. 1202 – INOPERATIVE VEHICLES**

Mayor Crewe presented Ordinance No. 1202, an ordinance amending and reenacting Chapter 12, Solid Waste Collection and Disposal, Article VII. Keeping of Inoperative Vehicles, Sections 12-130, Definitions, and 12-132, Exceptions, of the Code of the Town of Wytheville, Virginia, on first reading. He stated this is the ordinance referred to in the Public Works Committee report that amends the Town Code regarding inoperative vehicles. He noted the motion from the Public Works Committee is that the rules be suspended and the ordinance be adopted on first and final reading. Mayor Crewe indicated that this is the motion from the Committee that does not require a further second. He inquired if there is any discussion on the motion. Councilman Jones indicated that he was wondering if the Council did not pass it on first and final reading if that would give a little bit of time to make sure everyone is aware of it. He noted that the Town will have to go around and give warnings, etc. Vice-Mayor King inquired of Town Manager Sutherland if they have been warned. Mayor Crewe stated that a meeting has been held. Town Manager Sutherland noted that the wrecker services have been informed, but he would guess that citizens are not aware of the tarp issue. He stated it has been like this for 40 years, so he is not sure that two more weeks is going to matter, but it is the decision of the Council. Councilman Jones noted he thinks the Council should give a little bit of time because he is sure Mr. Gordon will have something on his radio show about it so the word gets out. He advised that he sees a lot of vehicles around town with tarps on them. Mayor Crewe indicated that a person can also see a lot of the tarps have blown off. Councilman Jones stated that is correct. Mayor Crewe inquired of Councilman Lambert, that speaking on behalf of the Public Works Committee, if he would consider withdrawing the motion. Councilman Lambert noted that he will withdraw the motion and the motion will be to adopt the ordinance on first, but not final, reading. Mayor Crewe stated the motion now is that Ordinance No. 1202 be adopted on first, but not final, reading. The motion was seconded by Councilman Jones. 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

ABSTENTIONS: None

Ordinance No. 1202 was approved on first, but not final, reading.

### **RE: COMPREHENSIVE PLAN**

Mayor Crewe stated the next agenda item is to consider the recommendation of the Planning Commission regarding the Comprehensive Plan. He noted this will require a public hearing, and the Council will have to adopt the Comprehensive Plan after the public hearing. Mayor Crewe remarked that the Council can meet the necessary advertisement requirements to have the public hearing at the May 22 Council meeting. He inquired if anyone has any objections to scheduling the public hearing for May 22. There being no objections, it was the consensus of the Town Council to schedule the public hearing for the May 22, 2006, Council meeting at 7:00 p.m. to consider the new Comprehensive Plan.

**RE: DRAPER ADEN REFERENCE GUIDE**

Mayor Crewe stated that he will share with anyone who wants to look at them, correspondence and things he received, and noted that the Council may have received them, and Draper Aden has sent out the reference guide for their Virginia Department of Environmental Quality flow chart, and who is where. He indicated that it may be helpful. Town Manager Sutherland remarked that he does not think he has seen this. Mayor Crewe remarked that the guide has names, telephone numbers, job titles, etc., and reiterated that this may be helpful.

**RE: FEDERAL NATIONAL INSTITUTE FOR ANIMAL AGRICULTURE**

Mayor Crewe remarked that he will be asking the Committees to review this matter. He noted he received a letter, and noted he believes it is from an out-of-town resident, and noted he also received some telephone calls from in-town residents, and indicated that the Council may have heard about this, but the Federal government, the Federal National Institute for Animal Agriculture, has apparently gotten the United States Department of Agriculture to create a national animal identification system. He noted he has tried to obtain some information about it, and indicated he knows it has been in the press. Mayor Crewe remarked that anything other than dogs and cats would have to be registered, and anytime these animals leave the premises, a report has to be made, etc. He stated the idea behind it is to keep a track of the food chain of animals in the United States. Mayor Crewe remarked that he will share the letter with the Committees and they can review it, but basically it is asking the Town to oppose this proposal and this process, and reiterated that he will share what information he has, and the Committees can review it.

**RE: APPALACHIAN REGIONAL COMMISSION PROGRAM**

Mayor Crewe advised that there is a meeting in Abingdon on June 9 for the Appalachian Regional Commission Program. He noted this is a focus group meeting, and basically they are reevaluating their process, their funding mechanisms, and how they conduct business. Mayor Crewe advised that the Town may or may not want to participate in this meeting.

**RE: DIRECTOR OF PUBLIC INFORMATION**

Mayor Crewe indicated that he found out today, and noted that some of the Council may have been aware of this, that Director of Public Information Rosa Lee Jude has been elected as the secretary of the state tourism organization. He remarked that this is another chore that Ms. Jude will be undertaking.

**RE: UNITED AUTO WORKERS VETERANS' CEREMONY**

Mayor Crewe remarked that he received a letter addressed to him and a guest, and if anyone is interested, on Saturday, May 27, 2006, the United Auto Workers Local #209 at the Volvo Plant will be having their veterans' ceremony at 8:00 a.m. on that Saturday morning. He pointed out that it will be the same people who will be in Wytheville for Run for the Wall with the trucks, and then they have their ceremony on Saturday morning, and by 9:30 a.m., they will be leaving for Washington, D.C. Mayor Crewe explained that there is usually a couple of hundred motorcycles involved with this. He stated that this year's speaker is a five year POW from Vietnam named David Harker. Mayor Crewe remarked that he will share any of this information with the Council that may be of interest to them.

**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.). Mayor Crewe remarked that the Council will immediately go into a budget work session.

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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**

**APRIL 24, 2006**

1. For a number of months, there have been discussions regarding the elimination of the requirement to place a decal on the windshield of a vehicle to reflect the payment of the local vehicle license fee. Because this topic has become so popular around the state, many local governments have taken a variety of actions to eliminate the need for the decal, but yet to collect the local license fees. This year, the General Assembly passed House Bill 670, which directs the Department of Motor Vehicles to develop a program and offer it to all localities as a method to collect local license fees. Because the DMV is not prepared to implement such a program, they are forming a planning committee of local treasurers and finance directors to assist in the implementation of the program. Town Treasurer Michael Stephens has contacted the DMV and noted our interest in the program and our willingness to assist in its implementation. We believe that the implementation of a statewide program will run far more smoothly than the current hodgepodge of programs that are being developed around the state.
2. Over the past couple of months, both Committees have had the opportunity to receive information with regard to the development of the budget for fiscal year 2006-07. The tentative schedule that was adopted at the January 9, 2006, meeting of Council appears to be on schedule. Later this evening,

there will be a budget work session where the revenues and appropriations for the Water and Sewer side of the budget will be discussed. Presently, the budget is scheduled to be considered on first reading at the May 8 meeting, and the second reading and the public hearing are scheduled for May 22. The final reading and adoption of the budget is scheduled for June 12, and in the event there are problems or questions with the budget, there will be an opportunity for revisions at the meeting on June 26.

With regard to the discussion later this evening concerning the Water and Sewer Fund, we have determined that revenues for the upcoming year will be in the range of \$3.9 million. The revenues for the sale of water will increase slightly assuming that the Gatorade facility starts consuming water later this year. Other revenue sources within this fund will remain relatively constant. The operational expenses for the water and wastewater operations are approximately \$4.3 million with the difference in operational expenses and revenues to be funded by existing revenues within the Water and Sewer Fund. There were approximately \$8 million worth of capital improvement requests within the budget, and none of these have been included. Given that there is no funding available within the drafted budget for capital projects, we will, no doubt, have to consider, on an individual basis, emergency or needed maintenance activities or construction activities that are currently unfunded.

No action is required by the Council at this time, but we did want to provide citizens with a general overview of the budget development process to date.

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Jacqueline K. King

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John W. Jones, Jr.

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## **PUBLIC WORKS COMMITTEE REPORT**

**APRIL 24, 2006**

1. At the March 13, 2006, meeting of the Council, our Committee reported that there was traffic congestion around Spiller Elementary School in the afternoons when children were being picked up from school, and, subsequently, recommended that traffic proceeding west on Pine Street be prohibited from making left turns into the front parking lot of Spiller School between the hours of 2:00 p.m. and 3:30 p.m. At the last meeting of Council, several parents were present and asked the Council to reconsider its prior action to erect the "No Left Turn" signs. Our Committee reviewed this matter last week at our meeting, and, after considering all of the ramifications, agreed that the prior action by the Council to erect signs prohibiting left turns should be implemented. As we noted previously, there is considerable congestion on Pine Street in the afternoons that essentially makes the entire street impassible. This poses a problem not only for the residents on Pine Street, but, also, for other residents in that general vicinity. We would note, also, that the traffic congestion around Spiller School also poses some concern with regard to emergency vehicles being able to respond to a situation in that vicinity. In brief, we think it is worthwhile to erect the signs and monitor the situation to see if this proves beneficial. In addition, we have also reviewed other traffic control measures that may improve the congestion around Spiller Elementary School. We will be looking at these alternatives in

the near future, but all of them will necessarily involve the coordination and cooperation of the Wythe County School Board.

2. We regularly receive complaints regarding inoperable motor vehicles. Many of these complaints involve individual vehicles that have been abandoned on private property around town. Our Police Department regularly gives notice to property owners and takes the appropriate actions to see that these inoperable vehicles are removed. Unfortunately, the abandonment of inoperable motor vehicles is a never ending cycle. One of the problems our police encounter in enforcing the removal of junk vehicles is that our regulations currently provide that vehicles which are under cover are not subject to be removed. Our regulations provide that "under cover" can include the use of a tarp that will conceal the vehicle. Tarps are a very ineffective arrangement for concealing junk vehicles in that they regularly blow off the vehicles and are generally not reattached until we seek enforcement measures.

As a related issue, we regularly have complaints about inoperable motor vehicles at business locations throughout town that are being housed as the result of a wrecker service activity. We contacted the Virginia Department of Motor Vehicles and found that there are a number of State laws that regulate wrecker services and the storage of damaged automobiles. Our Police Department facilitated a meeting with representatives from the Department of

Motor Vehicles and all of the businesses in town that are involved in wrecker services or the storage of vehicles. All of these vendors have now been provided information about the applicable State laws and are aware that they need to be in compliance with these laws.

Later this evening, the Council will consider an ordinance which will amend the Town's regulations with regard to inoperable motor vehicles. During the meeting with the DMV representatives, we learned that some of our regulations were in conflict with State law. Additionally, it was noted that many communities prohibit the use of tarps as a mechanism to conceal an inoperable motor vehicle. The ordinance that is presented this evening will correct the discrepancies between our regulations and State law, and, additionally, prohibit the use of tarps as an acceptable means of concealing junk vehicles.

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William B. Weisiger

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