

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JANUARY 28, 2008, 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, Wayne Quesenberry with *Wytheville Enterprise*, Agnes Eades

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 January 14, 2008. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to approve the minutes of the regular meeting of January 14, 2008. 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: 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 the Town Council is glad to have Mr. Wayne Quesenberry from the *Wytheville Enterprise* in attendance at the meeting. There being no one who desired to address the Council during Citizens' Period, Mayor Crewe proceeded with the agenda.

Mayor Crewe stated if someone arrives later at the meeting who desires to address the Town Council, he will give him/her the opportunity to speak.

RE: OLD BUSINESS

Under Old Business, the following was reported:

1. Mayor Crewe stated he thinks the Council is aware that the Town received information from the Virginia Municipal League that there is a movement afoot in the Legislature, and noted it is his understanding it is going both ways to reduce or, in one case, to completely eliminate HB 599 funds that the Town uses and is designated for police work. He noted what the Council has before them is a resolution that the Virginia Municipal League has asked the Town Council to adopt. Mayor Crewe advised that in relevant part, the Council will note that HB 599 funds from the State to the Town of Wytheville last year were \$123,108. He noted that, obviously, if these funds go away, the Town has a large hole in the budget. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to adopt the resolution opposing any reduction or elimination of the HB 599 funding which is earmarked for local public safety purposes in the state budget. 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. Councilman Lambert inquired as to who is behind this reduction or elimination in funds or as to the purpose of it. Mayor Crewe answered that he believes it is Delegate Martin, but he does not have the information in front of him, and he did not bring it with him. He continued that there is one of the Republican budget conferees who has made several public statements. Mayor Crewe explained that as far as he knows, he has not found a bill in the hopper that states to repeal this. He indicated that Delegate Martin may not be the correct one, but it is one of the delegates who is a budget conferee on the Republican side who has proposed doing away entirely with these funds. Mayor Crewe stated the Governor's first version of the budget did not propose any reduction, but after the numbers came in lower than what the first projections were, the Governor has lowered it. He noted the Governor's current budget cut some of the 599 funding, but

advised he has not seen the number of how much it was cut. Mayor Crewe stated it reduces the funds, but this budget conferee is suggesting that the 599 funds be done away with entirely. He indicated that the rationale is when they were first passed in 1979 or something like this, it was a compromise because of the fight over annexation. Town Manager Sutherland noted it has been a long time. Mayor Crewe noted there is a bill in the hopper that would move the moratorium on annexation, so they state they no longer need to pay for the 599 funds. He stated this is what is driving this issue, and VML has asked all the localities that are receiving 599 funds to adopt a resolution. Mayor Crewe indicated that there are a few cities who receive them, and it is the cities that have a police department and a sheriff who receive 599 funds. He explained that counties do not receive 599 funds, but all towns that have a police department receive the funds. Mayor Crewe reiterated that this is the mechanism behind this. He noted he did not know what would happen, but if the Town Council sends this resolution to VML and the Legislature, it has raised its voice in opposition.

2. Mayor Crewe remarked that the terms of Mr. Ron Boone and Mr. Joe Salerno on the Town Wytheville Industrial Development Authority have expired, and the Council has not made the appointments to fill these vacancies. He noted that in the Council's information at this meeting, they found the applications of Mr. John White and Mr. Jeremy Moore who are interested in serving in these positions. A motion was made by Vice-Mayor King and seconded by Councilman Jones to appoint Mr. John White and Mr. Jeremy Moore to the Wytheville Industrial Development Authority. 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.
3. Town Manager Sutherland stated the Public Works Committee will not meet tomorrow morning, January 29, 2008, but the Budget and Finance Committee will meet on Thursday morning, January 31, 2008.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, reported that there are two rather large revenue sources of funds that are owed to the Town that are delinquent. She noted the first account involves the delinquency of payment of cellular phone taxes by U. S. Cellular. Vice-Mayor King explained that this delinquency has an approximate value of \$125,000. She stated that secondly, the industrial facility located on North Fourth Street previously owned by Rohm and Haas Powder Coatings has a delinquent wastewater pretreatment charge of approximately \$57,500. Vice-Mayor King stated the Town's efforts to collect these funds have not proven successful, and, therefore, it would be the recommendation of the Budget and Finance Committee that the Council direct the Town Attorney to take whatever legal action is required to collect these delinquent funds. She advised that in addition, the Committee thinks these legal actions should be taken as soon as practical and would suggest that the Council receive regular updates from the Town Attorney with regard to these collection efforts. A motion was made by Vice-Mayor King and seconded by Councilman Jones that the Town Council instruct Town Attorney Kaase to take the required legal action to collect the delinquent funds from U. S. Cellular and Rohm and Haas Powder Coatings and also for the Town Attorney to provide regular updates to the Town Council regarding these collection efforts. 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 inquired of Town Attorney Kaase if he has any idea of the timeframe involved with this, and noted that the U. S. Cellular problem has been around for a long time. Town Attorney Kaase stated he is familiar with the U. S. Cellular problem and that can be done. He advised he does not know anything about the Rohm and Haas Powder Coating matter. Mayor Crewe requested Town Attorney Kaase to keep the Town Council posted on these collection efforts, and the Town will provide him with whatever information he needs.

Vice-Mayor King also reported that their Committee has received a request from the Wall of Honor Committee to review a request they had received. She explained that the Wall of Honor Committee had a request from Mr. Carrel Thompson, Commander of the Walker-Terry Camp #1758 of the Sons of Confederate Veterans, to place a granite bench in Withers Park. She stated the bench would be identical to the three granite benches that exist in the park presently and are spaced on either side of the War Memorial and between the Civic Monument and the Sports Hall of Fame Monument. Vice-Mayor King indicated that the bench seat would be engraved with "Walker-Terry Camp, Sons of Confederate Veterans" or a similar engraving. She noted the bench would need to be placed to the south of the Sports Hall of Fame Monument (between the Sports Hall of Fame Monument and the McWane Pool) at about the same spacing

as the other benches. Vice-Mayor King remarked that the Sons of Confederate Veterans did request that the Town construct the concrete foundation to which the bench is anchored. She noted the base is a concrete slab approximately 5' X 2'6" and about 8" deep with two formed "slots" for the bench feet. Vice-Mayor King advised that the bench will be mortared in the slots by the monument installer. She stated the Wall of Honor Committee approved the installation of the bench at their January 16th meeting, subject to Council approval. Vice-Mayor King advised that, therefore, it would be the recommendation of the Budget and Finance Committee that the Council approve the installation of this bench. A motion was made by Vice-Mayor King and seconded by Councilman Jones to approve the request of the Walker-Terry Camp #1758 Sons of Confederate Veterans for the installation of a granite bench in Withers Park. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Weisiger, reporting for the Public Works Committee, reported that last week the Town's staff met with a representative from Anderson & Associates, Incorporated who did a presentation about various alternatives of using Virginia Department of Transportation funding for construction and maintenance activities. He explained that over the past number of years, various State agencies, including VDOT, have been encouraging "devolution," which means shifting of responsibility from State government to local government. Councilman Weisiger indicated that under current VDOT rules, a community that receives an Urban Maintenance payment, such as Wytheville, can choose to manage all of the State appropriated funds on its own. He advised that obviously, there are certain implications in going this direction, but, clearly, it would give local government more flexibility in better utilizing those funds that have been appropriated by the General Assembly. Councilman Weisiger indicated that the representative from Anderson & Associates had noted that improvements on Peppers Ferry Road had now been identified in the State's Six-Year Improvement Program. He stated the representative noted it was possible for the Town to request funds that were available for this project (approximately \$1.2 million) and the Town could design, bid, and manage the construction project without having the Department of Transportation take these actions. Councilman Weisiger remarked that the representative noted it was clear that a community could construct a portion of roadway in a more timely fashion and less expensively than the Department could. He stated that Anderson & Associates is preparing some additional information about this arrangement with VDOT and is also preparing a preliminary design concept and cost estimate for the improvements on Peppers Ferry Road. Councilman Weisiger noted that the Committee believes this is a worthwhile method to review, and, hopefully, within the next few weeks, the Town will have sufficient information from which the Committee can make a recommendation to the Council. Mayor Crewe stated the Council will be awaiting the additional information and recommendation. Town Manager Sutherland advised that Anderson & Associates called on Friday to set up an appointment for Wednesday afternoon to receive additional information from them. Mayor Crewe requested the Council to continue to watch this topic for future development.

Councilman Weisiger also reported that the Committee, this week, reviewed a preliminary plat that had been submitted by WODA Development for the construction of fifty apartment units on a parcel of property situated on the north side of Bob Spring Road. He explained that this parcel of property is currently zoned M-1 Industrial, and, as such, the R-3 Residential standards would apply in this zoning district. Councilman Weisiger stated from the Committee's review, it appears that the subdivision that is being proposed would meet the Town's standards. He advised that at this point, WODA is not asking for approval of a subdivision, but only approval of their concept with a letter noting that the project as proposed would be in compliance with the Town's zoning and subdivision regulations. Councilman Weisiger indicated that also, they are seeking a letter saying that the Town will be supportive of this housing project. He noted that after the Committee's review, they believe that WODA has met and can meet all of the Town's regulations, and it would be the Committee's recommendation that the Council authorize the Town Manager to forward to WODA Development the two requested letters. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to authorize the Town Manager to forward to WODA Development the two requested letters noting the proposed subdivision to be located on the north side of Bob Spring Road would be in compliance with the Town's zoning and subdivision regulations and that the Town would be supportive of the housing project. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H.

Judson Lambert. Against: None. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: APPOINTMENT – WALL OF HONOR COMMITTEE

Mayor Crewe stated the next agenda item is to consider an appointment to the Wall of Honor Committee to fill the expiring term of Mr. John Hall whose term expires February 1, 2008. He noted that Mr. Hall is not eligible for reappointment. Mayor Crewe indicated that the Council has in their information that the Wall of Honor Committee's recommendation is that Mr. Gary L. Donaldson be appointed. A motion was made by Vice-Mayor King and seconded by Councilman Jones to appoint Mr. Gary L. Donaldson to the Wall of Honor Committee. 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: RESOLUTIONS – GEORGE WYTHE HIGH SCHOOL FOOTBALL TEAM/GEORGE WYTHE HIGH SCHOOL GIRL'S VARSITY VOLLEYBALL TEAM

Mayor Crewe stated the next two agenda items are to consider the resolutions honoring the George Wythe High School Football Team and the George Wythe High School Girl's Varsity Volleyball Team on their outstanding seasons. He noted the Council has the resolutions before them. A motion was made by Councilman Jones and seconded by Councilman Lambert to adopt the resolutions honoring the George Wythe High School Football Team and the George Wythe High School Girl's Varsity Volleyball Team on their outstanding seasons. 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: CHANGE IN MINUTES

Councilman Jones advised that on the January 14, 2008, minutes under the section "Others Present," the name of "Larry McCody" is supposed to be "Larry McCoy." Mayor Crewe noted he did not see this, and the letter "d" needs to be removed. He advised that the minutes will be amended to reflect the name "Larry McCoy." Mayor Crewe noted that by the consensus of the Council, this name will be amended in the January 14, 2008, minutes.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:20 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

BUDGET AND FINANCE COMMITTEE REPORT

JANUARY 28, 2008

1. There are two rather large revenue sources of funds that are owed to the Town that are delinquent. The first account involves the delinquency of payment of cellular phone taxes by U. S. Cellular. This delinquency has an approximate value of \$125,000. Secondly, the industrial facility located on North Fourth Street previously owned by Rohm and Haas Powder Coatings has a delinquent wastewater pretreatment charge of approximately \$57,500. Our efforts to collect these funds have not proven successful, and, therefore, it would be the recommendation of the Budget and Finance Committee that we direct the Town Attorney to take whatever legal action is required to collect these delinquent funds. In addition, we think that these legal actions should be taken as soon as practical and would suggest that we receive regular updates from the Town Attorney with regard to these collection efforts.
2. Our Committee has received a request from the Wall of Honor Committee to review a request they had received. The Wall of Honor Committee had a request from Mr. Carrel Thompson, Commander of the Walker-Terry Camp #1758 of the Sons of Confederate Veterans, to place a granite bench in Withers Park. The bench would be identical to the three granite benches that exist in the park presently and are spaced on either side of the War Memorial and between the Civic Monument and the Sports Hall of Fame Monument. The bench seat would be engraved with "Walker-Terry Camp, Sons of Confederate Veterans" or a

similar engraving. The bench would need to be placed to the south of the Sports Hall of Fame Monument (between the Sports Hall of Fame Monument and the McWane Pool) at about the same spacing as the other benches. The Sons of Confederate Veterans did request that the Town construct the concrete foundation to which the bench is anchored. The base is a concrete slab approximately 5' x 2' 6" about 8" deep with two formed "slots" for the bench feet. The bench will be mortared in the slots by the monument installer. The Wall of Honor Committee approved the installation of the bench at their January 16th meeting, subject to Council approval. Therefore, it would be the recommendation of the Budget and Finance Committee that the Council approve installation of this bench.

Jacqueline K. King

John W. Jones, Jr.

PUBLIC WORKS COMMITTEE REPORT

JANUARY 28, 2008

1. Last week the Town's staff met with a representative from Anderson & Associates, Incorporated who did a presentation about various alternatives of using Virginia Department of Transportation funding for construction and maintenance activities. Over the past number of years, various State agencies, including VDOT, have been encouraging "devolution," which means shifting of responsibility from State government to local government. Under current VDOT rules, a community that receives an Urban Maintenance payment, such as Wytheville, can choose to manage all of the State appropriated funds on its own. Obviously, there are certain implications in going this direction, but, clearly, it would give local government more flexibility in better utilizing those funds that have been appropriated by the General Assembly. The representative from Anderson & Associates had noted that improvements on Peppers Ferry Road had now been identified in the State's Six-Year Improvement Program. He noted that it was possible for the Town to request funds that were available for this project (approximately \$1.2 million) and the Town could design, bid, and manage the construction project without having the Department of Transportation take these actions. He noted that it was clear that a community could construct a portion of roadway in a more timely fashion and less expensively than the Department could. Anderson & Associates is preparing some additional information about this arrangement with VDOT and is also preparing a preliminary design concept and cost estimate for the improvements on Peppers Ferry Road. We believe that this is a worthwhile method to review, and, hopefully,

within the next few weeks, we will have sufficient information from which we can make a recommendation to the Council.

2. Our Committee, this week, reviewed a preliminary plat that had been submitted by WODA Development for the construction of fifty apartment units on a parcel of property situated on the north side of Bob Spring Road. This parcel of property is currently zoned M-1 Industrial, and, as such, the R-3 Residential standards would apply in this zoning district. From our review, it appears that the subdivision that is being proposed would meet our standards. At this point, WODA is not asking for approval of a subdivision, but only approval of their concept with a letter noting that the project as proposed would be in compliance with the Town's zoning and subdivision regulations. Also, they are seeking a letter saying that the Town will be supportive of this housing project. After our review, we believe that they have met and can meet all of our regulations, and it would be our recommendation that we authorize the Town Manager to forward to WODA Development the two requested letters.

William B. Weisiger

H. Judson Lambert