

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, FEBRUARY 26, 2007, 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, Director of Public Works Dennis Hackler, First Sergeant Joel Hash, Police Officer Chris Irvin, Justin Harmon with Wytheville Enterprise, Roger Hudson, Brian Spencer, Kim Poston, Triniti Hall, 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 February 12, 2007. 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 February 12, 2007. 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 noted the next agenda item is Citizens' Period. He advised that there are several persons who have signed up and indicated that they want to speak during Citizens' Period. Mayor Crewe thanked them for attending the meeting and noted that the Council is glad to have them in attendance.

Mr. Brian Spencer with Shoney's was recognized and stated he appreciates the Council's time this evening. He noted he would like to pass out a couple of things to the Council. Mr. Spencer advised that he has not spoken to this Council since 1989. He noted he was a resident, and they had just opened the Shoney's restaurant, and he was petitioning then Vice-Mayor Tom Bralley, who became a good friend of his, for a four-way stop sign. Mr. Spencer indicated that the Council approved it with the conditions that they educate the drivers in Wythe County and the Town how to stop at a four-way stop sign because it was the first one in the County or Town's history. He indicated that they did that for two months, and then they had a four-way stop sign, and they had to keep the literature out the rest of the summer. Mr. Spencer stated that it brings back a little bit of memories. Mr. Spencer advised that the reason he is attending the meeting and he wanted to speak to the Council is about the issue concerning the road blockage that occurred due to the sewer lines. He stated he thinks there were problems with the system, and it had to be torn out because it decayed, and they had to put new pipes in under the roads. Mr. Spencer advised that believe him, he understands, and having a restaurant that is 18 years old, they have had their share of issues and repair and maintenance. He commented that what concerned him was a few items of the way it was handled. Mr. Spencer remarked that first of all, they received no notice at all at the restaurant that any of this was going to occur. He noted that when the gentlemen came to do the road work, they did not put up any caution signs above saying "Road Construction Ahead." Mr. Spencer remarked that they did not notify the driver at all that the road was going to be closed, and they just closed the road. He noted that if a person came off the interstate and he/she wanted to take a left to go to the entrance of Malin Drive between the Shell station and the Quality Suite to go to the restaurant, the driver was blocked. Mr. Spencer pointed out that there was a barricade, and it had "Road Closed." He indicated that if a person tried to proceed straight ahead to go up to the K-Mart and take a left at Ocean Bay down to Chapman Road and then take another left to go back down to Malin Drive to go to the restaurant, that was blocked, and the road was closed. Mr. Spencer indicated that there were no detour signs anywhere for anybody to realize if they were traveling through and wanted to eat at a Shoney's restaurant how they would have to go to a Shoney's restaurant. He noted that he and the Council both know with those two roads blocked, the only way a person could go to Shoney's is by taking a right, circling around Bob Evans, going across the bridge in front of the Pepsi Plant, going north on Highway 11 up to Lover's Lane bridge, taking a right at Lover's Lane bridge, and then taking another right on the service road to lead a

person back to Shoney's. Mr. Spencer noted or a person would have to get back on the interstate and go to Exit 74, and proceed back on the side road. He noted when he talked to the construction people about this, they said that it was not bid on, and that they did not have the time or the signage. Mr. Spencer stated that when he asked why they had to have both roads blocked when they were only digging on the central road, he said because they needed a place to park their vehicles. He indicated that one of the roads was only blocked because literally they were parking their vehicles on the road. Mr. Spencer explained, however, if they had a flagman on both ends of the road, there would have been no need to block anything, and the flagman could have waved people through. He stated when he mentioned that to the construction worker, he said they were having to do that anyway, and that people were going across their roadblocks. Mr. Spencer noted he told the construction people that they were having to do that anyway and the drivers were going across the roadblocks, and he inquired as to why they did not have flagmen. He stated they answered because their bid did not include flagmen, and they could not afford flagmen. Mr. Spencer remarked that he thought that possibly the Town may have any Town police that could help them with this because this is a hazard. He stated that four of their regular customers told them they almost got hit trying to come to their restaurant. Mr. Spencer noted that the only business he did that day was because of people either coming from Flying J and stumbling on to their restaurant naturally, or the people that ran these blockades, which is not very comforting as someone who is worried about safety, but he noted he told this person he was glad to see somebody came through. He stated he brought this to Town Manager Sutherland's attention on Thursday, and this is after several days of having this road closed. Mr. Spencer indicated that it was said that he was the only business person that complained. He noted that the hotels do not do business until after 5:00 p.m. He noted that at Peking Restaurant, they will tell the Council that 80 percent of their business is after 5:00 p.m. Mr. Spencer pointed out that Shoney's is a full service restaurant, and half of his business is breakfast and lunch. He stated that half of it is dinner. He stated he was complaining because it significantly impacted his sales, and he was just told that no one else complained. Mr. Spencer noted that what he has put in front of the Council is just a little sample. He stated for the week ending February 11, the restaurant had an increase of \$1,539. Mr. Spencer explained that how they do their comparative sales is they track every week on their computers what their sales are right now and what their sales were this week a year ago. He noted it is amazing how much their business will stay consistent, and this is how they base their scheduling and their ordering. Mr. Spencer noted it is not from the sales from last week, but the sales a year ago, this week. He remarked that before the construction started, they actually had an increase of \$1,539.60, which is roughly about a 6 percent increase in sales. Mr. Spencer noted if the Council flips the page over, on the very bottom, he circled where they ended the week with \$1,539.60. He stated that this was their morning sales, and that was their sales increase basically from 8:00 a.m. in the morning to 5:00 p.m. in the evening. Mr. Spencer advised that if the Council flips the page to Monday, February 12, they will see that at 5:00 p.m. in the evening, they had a \$209 increase. He stated that last year, their sales were \$1,627, which is roughly showing about a 15 percent increase. Mr. Spencer noted, however, if the Council flips the page to the next day, that is when the road construction started, and by 5:00 p.m. the next day, the sales were down \$900.00. He stated that the rest of the evening the decrease increased, but if the Council recalls that week, about 6:30 p.m. at night, they had an ice storm, so those decreases are not because of any road closing, but it was because of the weather. Mr. Spencer pointed out, however, the weather was fine Tuesday during the day. He commented that from 6:00 a.m. to 5:00 p.m. in the evening, they lost \$930. He stated on Wednesday, they lost \$197. Mr. Spencer advised that on Thursday, they lost \$554. Mr. Spencer indicated that on Friday, by noon, they lost \$267. He remarked that all of these losses were done, here again, with no detour signs, no flagmen, and, really, a lack of concern about his business. Mr. Spencer indicated that, again, when he complained, he was told that he was the only one complaining. He commented that roughly, if the Council adds these days together, they experienced a \$1,948 decrease from 8:00 a.m. in the morning until 5:00 p.m. in the evening. Mr. Spencer remarked that on some of the nights, they made it up after 5:00 p.m., and some of the revenue was made up. He stated that if the person considers the week before, he was running an increase of \$1,500, and a week later a decrease of \$1,900. Mr. Spencer remarked that this was a \$3,500 swing. He explained that this is a significant impact on their business. He explained that this is over 15 percent. Mr. Spencer commented that this week, the roads were open Monday – Thursday, and, again, compared to last year's sales from 6:00 a.m. until 5:00 p.m. in the evening, he saw a \$1,000 increase by Thursday, however, Friday the road was closed again. He advised that during that time period that the road was closed, which was until 1:00 p.m., they lost \$397, which is not a significant amount of money until the Council looks at it percent wise, and it was a 20 percent decrease for that morning. Mr. Spencer noted that the reason he is bringing this to the Council's attention is he is just asking that if in the future, when the Town is doing the road construction, especially when they are doing it at two arteries of a business like his, that they look at doing it in the evening like they did at Go-Mart on Main Street when they had to tear up and replace the same lines there, and they did it at 10:00 p.m. on Saturday evening until 8:00 a.m. on Sunday morning, or the Town could put up some detour signs and have some flagmen in place, for nothing else, pure safety. He noted it was right at the entrance to an interstate or the exit of an

entrance ramp. Mr. Spencer indicated that when he complained, he was kind of surprised that someone from The Enterprise called him, but a gentleman from The Enterprise called him a couple of days later and asked him if this impacted his sales, and he told them that it did significantly impact their sales, and advised that 15 percent, he thinks, is a significant impact on sales. He stated it was \$3,500 in a week span swing. Mr. Spencer noted it was also a loss of income to his servers. Mr. Spencer noted that to him, that is significant. Mr. Spencer indicated that he was kind of surprised that when he asked Town Manager Sutherland when he complained to come by and see him and he could show him, and Town Manager Sutherland did not do that. He stated the only thing he said was that, "I think Mr. Spencer greatly exaggerated the situation. He is the only business that we've heard from." Mr. Spencer noted that this, again, is a callous disregard to his concern as a businessman. He remarked that at the time he was talking to Mr. Sutherland, he was the area supervisor with Shoney's, and now he is the Director of Operations. He noted he is also the Director of Operations with Bojangle's. Mr. Spencer pointed out that it concerns him as a businessman, especially one that is looking at expanding the Bojangle's franchise from Pulaski County along I-81, that this is the new feeling from the Town as far as business treatment. He remarked that it concerns him about the callous disregard to his concern. Mr. Spencer stated that he just wanted to bring it to the Council's attention, and inquired if the road will be closed again, if there will be detour signs, and inquired if \$3,500 is not a significant amount, and should not the Town Manager maybe have come by and talked to him personally when he asked him to. He advised that maybe that comment was a little bit out of line. Mr. Spencer remarked that he was offended, and noted he felt he was called a liar. He noted he goes way back in this community, and a lot of people know him and remarked that he knows a lot of people in the community. Mr. Spencer advised that he would hate for those people to think he is a liar. He noted a person does not have much to live by but his/her integrity, and that is all a person has. Mr. Spencer indicated that he felt like he needed to come and explain the situation. He remarked that he did not want the Council members to think he was lying about the significant impact it had on his business and his employees. Mr. Spencer stated he wanted the Council to understand his concerns were not just monetary concerns, but detour signs and flagmen, and basic common safety. Mayor Crewe thanked Mr. Spencer for attending the meeting. He noted he was sorry that Mr. Spencer thought it was a callous disregard, and it certainly is not, and Mr. Spencer's comments were known. He noted that the Council Committees had talked about it. Mayor Crewe remarked that he had made three trips to his restaurant to investigate and look. He noted that Mr. Spencer was not there when he went, but he has eaten there. Mr. Spencer advised Mayor Crewe that he is a regular customer, and he appreciates that. Mr. Spencer remarked that he did not mean any of the Town Council members. Mayor Crewe remarked that he did not think anyone is trying to be callous, and noted he did not think anyone is trying to call Mr. Spencer a liar or state that anything Mr. Spencer is stating is not the truth. He stated he does not think Mr. Spencer has a full understanding of the impact and how this happened, and how the Town got into this predicament. Mayor Crewe noted that Mr. Spencer is correct that it was not Town forces doing the work, and it was an emergency repair of a ruptured sewer line. He stated that maybe if Mr. Spencer hears part of the Town's explanation, he will understand a little bit better. Mayor Crewe indicated that as far he knows, Shoney's was the only business that complained. He noted he understands that Shoney's is in a different category than some of the other businesses on that street. Mayor Crewe advised that the Town tried to address it, and they gave some instructions, and he thinks the street got better. He noted he does not know if the street is going to be blocked again or not because he does not know where they are in their repairs, and advised that possibly Town Manager Sutherland can address those issues. Town Manager Sutherland apologized to Mr. Spencer for that comment in the paper. He noted he did not know he was on record when he was talking to the newspaper. Town Manager Sutherland noted that, obviously, he would not have put something like that in print, and that is just not appropriate, and Mr. Spencer's comments are well noted, and, certainly, the Town has no desire to impact negatively on the business in this community. He advised that Shoney's brings a lot of taxes and a lot of meals taxes and a lot of revenue to the community, and, certainly, the Town wants to assist Shoney's in making money so none of this was intended, and it was just a bad series of circumstances with a broken sewer line. Town Manager Sutherland explained that the whole north side of Main Street is without sewage, as Mr. Spencer knows, and it was an emergency purchase, and he is sure there probably was not a provision for flagmen in the contract. He noted this is a point well taken. Mayor Crewe stated that the Town tried to fix it with Town crews first. Town Manager Sutherland reiterated his apologies to Mr. Spencer for the comment in the paper because he did not know he was on record. Mr. Spencer stated he appreciated the apology and he accepts that apology and thanked Town Manager Sutherland for it. Town Manager Sutherland reiterated that he would never have said that. Mr. Spencer indicated that he thinks the world of the Town, and, as a matter of fact, he was telling Councilman Jones a minute ago that he just sold his land about three years ago in Loretto, or he would be back in town. He noted he got involved in a little politics in Carroll County and thought he would not be leaving there any time soon, and a year later he had to resign because of his health, and he could be living in Loretto, so he is kind of kicking himself. Mr. Spencer noted that Mayor Crewe is a regular customer, and his managers and his servers speak highly of Mayor Crewe. He stated he did not want anyone on

Council to think that he thought this of them, but it was just the comment in the paper, and he thought it was out of line, but noted that he accepts Town Manager Sutherland's apology. Mr. Spencer indicated that he understands the broken pipe. He noted if that part of the road has to be blocked, he does not have an issue with it. Mayor Crewe remarked that he thinks there are ways it can be done without completely blocking the road. He stated that as soon as the Town was aware of the situation, they took steps to make sure the road was reopened. Town Manager Sutherland reiterated that Mr. Spencer's point is well taken. Mayor Crewe remarked that what happened is that first, the Town could not fix it, and it had to be done immediately, and the Town did have an emergency contract. He stated the other problem the Town had was that some of the equipment they were using to do the drilling is, and noted he does not understand all of the ins and outs of it, water cooled, and there had to be water at the point of the drill bit, and it was freezing, and their equipment was rupturing, and they could not get it done when they were trying to. Mayor Crewe indicated that there were weather issues with it as well. He noted that what turned out to be what the Town thought was going to be a small project turned into a lot larger project simply because of all the confluences of the problems that kept erupting. Mayor Crewe stated he thinks that during the several times he has gone down there while this was going on, the road was passable. He indicated that at one point, there was a flagman. Mayor Crewe stated he does not understand why they had to close Chapman Road to park vehicles, and once the Town found that out, they tried to address this. He noted he thought this only happened for one day. Mr. Spencer noted that even if the Town had to block the whole road between the Shell station and Quality Inn, if there were just some detour signs to go around the Ocean Bay light, he did not think it would affect them. Mayor Crewe stated the Town did not know the road was going to be blocked until it was blocked because they did not know what they were going to encounter until they got in there and started. He commented that it was blocked for a time and open for a time and blocked again. Mayor Crewe inquired if they have finished the project. Town Manager Sutherland inquired of Director of Public Works Hackler if they were finished working in the road today. Director of Public Works Hackler stated they have one more manhole to work on in East Main Street, and this should complete the project. Mr. Spencer thanked the Council for their time. Mayor Crewe thanked Mr. Spencer for his comments and for what Shoney's has done.

Mayor Crewe indicated that he did not know if Mr. Spencer's comments covered what Ms. Kim Poston and Ms. Triniti Hall were going to speak to, or if they would like to speak, also. Ms. Poston and Ms. Hall advised that Mr. Spencer's comments covered what they were going to state. Mayor Crewe thanked them for attending the meeting, and advised that they were welcome to stay for the remainder of the meeting if they so desired.

Mayor Crewe inquired if there are others who wished to address Council during Citizens' Period. He advised that no one else had indicated on the sign up sheets that they desired to address the Town Council. There being no others who wished to speak to the Town Council, Mayor Crewe proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The Council Committees will meet on their regular days and times this week, and then next week, Councilman Weisiger will have to determine a date that is suitable. Councilman Weisiger noted that this week and next week, the Public Works Committee can meet on their regular date and time. Town Manager Sutherland noted that the Council Committees will meet on their regular dates and times for the next two weeks.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, stated that as was reported at the last meeting of Council, the department heads are currently in the process of formulating information that will be used in the development of the budget for fiscal year 2007-2008. He stated that department heads have been instructed to tabulate their proposed budgets in three categorical areas. Councilman Jones advised that they are normal operations, capital outlay, and personnel expenses. He explained that over the next couple of months, the Council's Committees will be able to start reviewing the funding requested by the various department heads. Councilman Jones advised that the Committee would suggest that in lieu of two work sessions that the Council have one work session which could occur at the April 23 meeting of Council. He stated the budget could then be considered on first reading at the May 14 meeting with the second reading and the public hearing scheduled for May 28. Councilman Jones indicated that the final reading and the adoption of the budget will be scheduled for June 11. Councilman Jones explained that in the event there are questions or problems with the budget, there will be the opportunity for revisions at the meeting on June 25. He stated that between now and the budget work session, both Committees of the Council will hear updates

and review the various department budgets. Councilman Jones remarked that if this time table is acceptable to the Council, the Committee will implement this schedule. Mayor Crewe noted it is his understanding that the Public Works Committee did not have any problems with the schedule. It was the consensus of the Town Council to utilize the proposed budget schedule. 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 since the Public Works Committee serves as the representatives of the Town on the New River Regional Water Authority, the Committee thought it might be helpful to provide an update to the Council on the Authority's activities. He noted that at the Authority meeting last Thursday morning, the Authority's engineering firm, Peed & Bortz, noted that contract documents had been issued to all three construction companies involved in the development of the water treatment facility. Councilman Weisiger stated that as the Council may recall, bids were received in January for the three phases of construction, being the water treatment plant, the raw and finished water lines, and the transmission main across the New River Bridge. He indicated it is anticipated that all of these contracts will be executed in the near future, and work will begin within the next month or so. Councilman Weisiger stated that the Authority also formed a committee to develop a budget for fiscal year 2007-2008 which will need to be adopted prior to July 1, 2007. He remarked that finally, the Authority approved a resolution seeking \$2 million in grant funds from the Virginia Tobacco Indemnification and Community Revitalization Commission. Councilman Weisiger explained that previously, it had been thought that all participating jurisdictions would need to adopt a resolution of support in this application process, but as it turn out, this endorsement by the participating governments is not required. He noted if the Authority is successful in obtaining the \$2 million in grant funds, it will reduce the cost overruns of the project to approximately \$3 million. Councilman Weisiger noted that the Authority's next meeting will be on March 15 at 9:00 a.m. here in the Council Chambers. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: ORDINANCE NO. 1208 – EROSION AND SEDIMENT CONTROL

Mayor Crewe presented Ordinance No. 1208, an ordinance amending and reenacting Chapter 10, Planning and Development of the Code of the Town of Wytheville, Virginia, by amending Article IV, Erosion and Sediment Control, on third and final reading. A motion was made by Vice-Mayor King and seconded by Councilman Jones to adopt Ordinance No. 1208, an ordinance amending and reenacting Chapter 10, Planning and Development of the Code of the Town of Wytheville, Virginia, by amending Article IV, Erosion and Sediment Control, on third and final reading. Mayor Crewe inquired if there is any discussion on the motion. Councilman Weisiger inquired if anyone ever commented on this ordinance. Mayor Crewe noted that he is not aware of anyone commenting on the ordinance and inquired if that is correct. Town Manager Sutherland advised that no one commented on the ordinance. Mayor Crewe indicated that the Council gave someone ample opportunity to comment on the ordinance. He inquired if there is any other 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

ABSTENTIONS: None

Ordinance No. 1208 was approved on third and final reading. Mayor Crewe noted that the ordinance is now effective.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:25 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

BUDGET AND FINANCE COMMITTEE REPORT

FEBRUARY 26, 2007

1. As was reported at the last meeting of Council, the department heads are currently in the process of formulating information that will be used in the development of the budget for fiscal year 2007-2008. Department heads have been instructed to tabulate their proposed budgets in three categorical areas. They are normal operations, capital outlay, and personnel expenses. Over the next couple of months, the Council's Committees will be able to start reviewing the funding requested by the various department heads. We would suggest that in lieu of two work sessions that the Council have one work session which could occur at the April 23 meeting of Council. The budget could then be considered on first reading at the May 14 meeting with the second reading and the public hearing scheduled for May 28. The final reading and adoption of the budget will be scheduled for June 11. In the event that there are questions or problems with the budget, there will be the opportunity for revisions at the meeting on June 25. Between now and the budget work session, both Committees of the Council will hear updates and review the various department budgets. If this time table is acceptable to the Council, we will implement this schedule.

Jacqueline K. King

John W. Jones, Jr.

PUBLIC WORKS COMMITTEE REPORT

FEBRUARY 26, 2007

1. Since the Public Works Committee serves as the representatives of the Town on the New River Regional Water Authority, we thought it might be helpful to provide an update to the Council on the Authority's activities. At our meeting last Thursday morning, the Authority's engineering firm, Peed & Bortz, noted that contract documents had been issued to all three construction companies involved in the development of the water treatment facility. As you may recall, bids were received in January for the three phases of construction, being the water treatment plant, the raw and finished water lines, and the transmission main across the New River Bridge. It is anticipated that all of these contracts will be executed in the near future, and work will begin within the next month or so. The Authority also formed a committee to develop a budget for fiscal year 2007-2008 which will need to be adopted prior to July 1, 2007. Finally, the Authority approved a resolution seeking \$2 million in grant funds from the Virginia Tobacco Indemnification and Community Revitalization Commission. Previously, it had been thought that all participating jurisdictions would need to adopt a resolution of support in this application process, but as it turns out, this endorsement by the participating governments is not required. If the Authority is successful in obtaining the \$2 million in grant funds, it will reduce the cost overruns of the project to approximately \$3 million. The Authority's

next meeting will be on March 15 at 9:00 a.m. here in the Council Chambers.

William B. Weisiger

H. Judson Lambert

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