

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, NOVEMBER 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, Police Officer John Humphrey

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 Jones followed by the Pledge of Allegiance led by Vice-Mayor King.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of November 13, 2007. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to approve the minutes of the regular meeting of November 13, 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 stated the next agenda item is Citizens' Period. He noted since no citizens are in attendance at the meeting, he will proceed with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The refinancing of the Rural Development bonds was completed last week. Everyone has been funded, and the closing is finished. Mayor Crewe indicated that all the papers were signed. Town Manager Sutherland advised that is correct and explained that the money was exchanged. Councilman Weisiger inquired if the Town received money back such as a person does when they refinance their home. Mayor Crewe answered that no money was received back, but noted it shortens the amount of money to be paid, which was a little over \$1 million. He advised he thinks the final number was \$1.18 million.
2. Both Council Committees will meet on their regular day and time this week.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, reported that at the last meeting of Council, the Public Works Committee identified a project to improve the signalization of Fourth and Main Streets and Fourth and Monroe Streets. He advised that originally, \$25,000 had been appropriated for these improvements, but the Town learned later that they could get an enhanced signalization of these intersections with certain equipment that would synchronize the two intersections. Councilman Jones stated the cost of this additional equipment to do the synchronization is approximately \$11,000 bringing the total amount needed to do these improvements to approximately \$36,000. He explained that the Committee has reviewed this budgetary line item and thinks it is worthwhile to proceed with these additional improvements. Councilman Jones advised, therefore, it would be the recommendation of the Budget and Finance Committee that the Council appropriate the \$11,000 in additional funding for this project and that the Council will determine, at a later date, which line item these funds will be drawn from. It was the consensus of Council to appropriate the additional funding in the amount of \$11,000 for synchronizing the traffic signals.

Councilman Jones also reported that in 1990, the Council approved the establishment of a deferred compensation plan for Town employees. He noted in a deferred plan, all of the contributions are made entirely by the employee while the Town acts as the trustee for these funds. Councilman Jones stated that this is a program that was established pursuant to Internal

Revenue Code regulations. He advised that in 1990, when this program was approved, only certain financial companies were capable of providing these services. Councilman Jones indicated that since that time, of course, the entire financial market has changed, and there are numerous banking and other financial entities who provide these services. He stated that later in the meeting, the Council will consider the adoption of a resolution that would provide that the Town Manager may contract with financial institutions to provide these services to employees. Councilman Jones noted that this revision will not change in any way the Town's deferred compensation program, but will provide the flexibility needed by the employees in formulating their plans. He remarked that when the resolution is considered later in the meeting, it would be the recommendation of the Budget and Finance Committee that it be adopted. Mayor Crewe noted that the Council will consider the resolution regarding the deferred compensation plan later in the 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, reported that the Town has received an inquiry from the Police Department to establish a parking space on the west side of South Fourth Street in proximity to the Sheriff's Office that would be designated for "police cars only for loading and unloading." He noted that the area where this new parking space would be established is currently marked with yellow curbing to prohibit any parking. Councilman Lambert stated that frequently this space is used by all police agencies in loading and unloading prisoners at the Sheriff's Office. He noted that the Committee thinks this is a reasonable request and would recommend to the Council that they authorize the Public Works Department to establish this space. A motion was made by Councilman Jones and seconded by Vice-Mayor King to authorize the Public Works Department to establish a parking space on the west side of South Fourth Street in proximity to the Sheriff's Office for "police cars only loading and unloading." 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. Town Attorney Kaase inquired as to why the Sheriff's Department employees cannot pull in the driveway. Mayor Crewe answered that there are generally too many cars in the driveway. He advised that the Town asked this question, but this is what they do.

Councilman Lambert also reported that State law requires that entities who provide sewage treatment plants impose upon their users standards of quality of the wastewater being put into the system. He stated that generally, this is known as a community's "pretreatment program." Councilman Lambert advised that because environmental standards change from time to time, it is normal for revisions to be made to these regulations. Councilman Lambert indicated that generally speaking, the regulations prohibit anyone from discharging heavy metals and other contaminants into the system that would negatively impact the treatment process at the plant. He stated the ordinance also requires that the names of any violators be published in a local newspaper. Councilman Lambert advised that recently, the Town has discussed with the Department of Environmental Quality what constitutes a violation. He stated that it has long been the Town's position that companies who deposit chemical and biological materials into the system that are easily treatable are not truly violators of the ordinance. Councilman Lambert explained that a violator of the ordinance, in the Town's view, would be those companies who discharge into the Town's system heavy metals and other contaminants that are not treatable and which would cause harm to the Town's facility. He stated that the Department of Environmental Quality has agreed with the Town's evaluation and has verbally approved an amendment to the Town's ordinance that requires the Town only to publish those significant violators. Councilman Lambert advised that to implement these changes, it will require the Council to adopt an ordinance making these modifications. He stated the Committee anticipates that the Town will have written approval from the Department of Environmental Quality in the very near future, and, at that time, these revisions can be considered for adoption. Mayor Crewe noted the Town is waiting to hear from the Department of Environmental Quality, if he is reading this correctly, and he asked the Public Works Committee to correct him if he is wrong. He stated the Council can wait to take action at a later meeting. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: RESOLUTION – DEFERRED COMPENSATION PLAN

Mayor Crewe noted the next agenda item is the consideration of a resolution providing for deferred compensation providers for employees. He noted this comes to the Council from the Budget and Finance Committee with a motion that it be approved. A motion was made by Councilman Jones and seconded by Vice-Mayor King that the Council approve the resolution providing for deferred compensation providers for employees. 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: RESOLUTION – WILDERNESS ROAD HERITAGE TRAIL

Mayor Crewe stated the next agenda item is the consideration of a resolution supporting the efforts of the Wilderness Road Heritage Trail project. He noted this resolution comes from Director of Public Information Rosa Lee Jude, which basically states the Town supports the Wilderness Road Heritage Trail project. A motion was made by Councilman Weisiger and seconded by Councilman Jones to adopt the resolution supporting the efforts of the Wilderness Road Heritage Trail 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.

RE: WALGREENS LAWSUIT

Mayor Crewe stated he has the Walgreens' lawsuit papers if any Council members wish to read them.

RE: WYTHEVILLE POST OFFICE

Mayor Crewe advised he also has a letter from Congressman Boucher's office that he has received from the Post Office Appalachian District Manager in Charleston, West Virginia, that states the Post Office is doing the best they can. He noted the letter states the Post Office will get everything the Town has complained about taken care of. Mayor Crewe indicated that he also has this letter available if any of the Council members desire to read it. Vice-Mayor King inquired if the letter stated when some of the issues will be resolved. Mayor Crewe answered that the letter does state, "As the Postal Service operations are funded only by the users of the mails and no tax subsidies, we must diligently budget our monies to as many projects across the country as possible." Vice-Mayor King pointed out that the Post Office may never get these issues straightened out. Mayor Crewe reiterated that he has this letter available for anyone's review.

Town Manager Sutherland noted that all of the court documents are also in the Public Works Committee's packet for their review in the morning.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:08 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

BUDGET AND FINANCE COMMITTEE REPORT

NOVEMBER 26, 2007

1. At the last meeting of Council, the Public Works Committee identified a project to improve the signalization of Fourth and Main Streets and Fourth and Monroe Streets. Originally, \$25,000 had been appropriated for these improvements, but we learned later that we could get enhanced signalization of these intersections with certain equipment that would synchronize the two intersections. The cost of this additional equipment to do the synchronization is approximately \$11,000 bringing the total amount needed to do these improvements to approximately \$36,000. The Committee has reviewed this budgetary line item and thinks it is worthwhile to proceed with these additional improvements. Therefore, it would be the recommendation of the Budget and Finance Committee that the Council appropriate the \$11,000 in additional funding for this project and that we will determine, at a later date, which line item these funds will be drawn from.
2. In 1990, the Council approved the establishment of a deferred compensation plan for Town employees. In a deferred compensation plan, all of the contributions are made entirely by the employee while the Town acts as the trustee for these funds. This is a program that was established pursuant to Internal Revenue Code regulations. In 1990, when this program was approved, only certain financial companies were capable of providing these services. Since that time, of course, the entire financial market has changed, and there are numerous banking and other financial entities who provide these services. Later this evening, the Council will consider the adoption of a resolution

that would provide that the Town Manager may contract with financial institutions to provide these services to employees. This revision will not change in any way the Town's deferred compensation program, but will provide the flexibility needed by the employees in formulating their plans. When the resolution is considered this evening, it would be the recommendation of the Budget and Finance Committee that it be adopted.

Jacqueline K. King

John W. Jones, Jr.

PUBLIC WORKS COMMITTEE REPORT

NOVEMBER 26, 2007

1. We have received an inquiry from our Police Department to establish a parking space on the west side of South Fourth Street in proximity to the Sheriff's Office that would be designated for "police cars only for loading and unloading." The area where this new parking space would be established is currently marked with yellow curbing to prohibit any parking. Frequently, this space is used by all police agencies in loading and unloading prisoners at the Sheriff's Office. We think this is a reasonable request and would recommend to the Council that we authorize the Public Works Department to establish this space.
2. State law requires that entities who provide sewage treatment plants impose on their users standards of the quality of the wastewater being put into the system. Generally, this is known as a communities' "pretreatment program." Because environmental standards change from time to time, it is normal for revisions to be made to these regulations. Generally speaking, the regulations prohibit anyone from discharging heavy metals and other contaminants into the system that would negatively impact the treatment process at the plant. The ordinance also requires that the names of any violators be published in a local newspaper. Recently, we have discussed with the Department of Environmental Quality what constitutes a violation. It has long been our position that companies who deposit chemical and biological materials into the system that are easily treatable are not truly violators of the ordinance. A violator of the ordinance, in our view, would be those companies

who discharge into our system heavy metals and other contaminants that are not treatable and which would cause harm to our facility. The Department of Environmental Quality has agreed with our evaluation and has verbally approved an amendment to our ordinance that requires the Town only to publish those significant violators. To implement these changes, it will require the Council to adopt an ordinance making these modifications. We anticipate that we will have written approval from the Department of Environmental Quality in the very near future, and, at that time, these revisions can be considered for adoption.

William B. Weisiger

H. Judson Lambert