

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, OCTOBER 27, 2003, AT 7:00 P.M.**

Members present: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett

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, Sergeant Joel Hash, Stephanie Porter-Nichols with Wytheville Enterprise, Agnes Eades, David Johnson, Patti Mills, Wynette Yonce, Shane Aker, Kris Albert, Doug Boardwine, Mike Brunk, Gary Carpenter, Melanie Carroll, Imogene Crockett, April Mulgrew, Shawn Nunn, Leah Padgett, Jamie Smith

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 Crockett.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of October 13, 2003, and the request of the Board of Supervisors for waiver of fee for use of the Bingo Room for a recognition luncheon on November 7, 2003. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to approve the consent agenda consisting of the minutes of the regular meeting of October 13, 2003, and the request of the Board of Supervisors for waiver of fee for use of the Bingo Room for a recognition luncheon on November 7, 2003. 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, Charles G. Crockett. Against: None.

RE: PUBLIC HEARING – BUDGET AMENDMENTS

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider amending the fiscal year 2003-04 budget for the appropriation of funds to perform site excavation on the Community Center site, construction/renovations to the Visitor's Center, and an amendment to the Police Department line item to include a donation from Wal-Mart. He advised the purpose of the public hearing is to consider the amendment of the fiscal year 2003-04 budget for the appropriation of funds on three items to include the amount of \$750,000 for the site excavation on the Community Center site, \$160,000 for construction/renovations to the Visitor's Center, and an amendment to the Police Department line item budget for a \$1,500 donation from the Wal-Mart Foundation. Mayor Crewe inquired if there are persons present who wish to address the Council during the public hearing. He noted that no one has indicated on the sign up sheet that they desire to address the Council on this topic. Mayor Crewe explained that for informational purposes, any time a budget amendment increases the budget by more than \$500,000 or more than one percent, a public hearing is required, and this is why this public hearing is required is because these amendments increase the budget by more than \$500,000. There being no one present who wished to address the Council during the public hearing, Mayor Crewe declared the public hearing closed. He noted if someone arrives later in the meeting and wishes to address the Council regarding this matter, he will reopen the public hearing.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period. He noted he is glad the Chamber of Commerce Leadership Development Institute participants are attending the Council meeting.

Mayor Crewe inquired if there are persons present who wish to address Council during Citizens' Period. There being none, he proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. Tomorrow at noon, the Crossroads Regional Industrial Facility Authority will be holding a meeting to make an announcement about a prospective industry. As the Council knows, the Crossroads Regional Industrial Facility Authority is an organization consisting of Bland County, Wythe County, and the Town of Wytheville. This announcement will be made tomorrow in the General District Courtroom at the County Office Building, and it should be an announcement of an industrial expansion.
2. The Crossroads Regional Industrial Facility Authority will be meeting on Thursday, October 30, 2003, at 9:00 a.m. in the Council Chambers if anyone is interested in attending.
3. The Veterans Day Ceremony will be held November 11, 2003, at 11:00 a.m. in Withers Park.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, stated that over the past several months, the Committee has been reviewing certain revisions to the Town's Personnel Regulations. He advised that the Committee would like to offer the Council an overview of these proposed amendments, and noted they will be offering these amendments as an ordinance at the next meeting unless there are questions or revisions suggested by Council. Councilman Jones stated that the first change would be the inclusion of a revised definition of "seasonal employee." He explained that the revision here merely concerns the Town's construction inspectors who may need to work in excess of 40 hours per week, but who may work 50 or less weeks per calendar year. Councilman Jones remarked that the current definition precludes seasonal employees from working in excess of 40 hours per week, and this often causes problems during construction season. He noted the second revision within the Personnel Regulations requires every applicant for employment with the Town to be subject to a criminal history check. Councilman Jones stated this amendment also requires the criminal history of all current employees, likewise, be checked. He commented that in addition, this section establishes the procedures to be followed for any existing employee who is charged or convicted of a crime. Councilman Jones indicated that finally, the revision in this section notes that all personnel files are confidential and shall not be released except by subpoena and/or by order of a court. He stated the next revisions to the regulations involve employees who engage in a second job. Councilman Jones noted that the essence of these revisions prohibits employees from working a second job while utilizing Town sick leave or family medical leave. He explained that this same section also identifies the members of the immediate family for whom family sick leave time can be used in the event of the death of an immediate family member. Councilman Jones advised that both Committees will have the opportunity to review these revisions again before they are offered for adoption at the next Council meeting. Mayor Crewe advised that no action is required at this time, and the Council will be voting on these changes at the next meeting unless there are changes suggested. Councilman Jones advised that is correct. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Crockett, reporting for the Public Works Committee, stated now that autumn has arrived and the leaves are turning and starting to fall, the Town has had several inquiries with regard to the Town's annual leaf collection program. He noted that though the vast majority of leaves have not fallen yet, Town forces began last week to collect leaves at curbside as they are deposited. Councilman Crockett stated that obviously, over the next several weeks, the volume of leaves that will be collected will increase, and the collection efforts will be more oriented to a street-by-street collection. He noted that with regard to the leaf collection program, the Committee thinks it is important to remind town citizens about the policies of leaf collection. Councilman Crockett advised that in the leaf collection program that will be occurring over the next two months, citizens should rake the leaves up to the side of the street, but not onto the edge of the street. He explained that the accumulation of large quantities of leaves in the street tends to create traffic hazards. Councilman Crockett advised that the Committee would also remind citizens that on some days, there are large volumes of brush and debris at curbside beyond leaves, and sometimes Town crews may be a day or two behind in collecting all of these wastes. He stated that any citizen who has specific questions should contact the Town Office.

Councilman Crockett also reported that several weeks ago, the Committee reported that they were contacting the United States Postal Service to determine if they agreed with the plans the Town had developed to improve the parking situation at the Post Office. He noted the following is the text of the response the Town received from Mr. Bruce Perry, Manager of Administrative

Services, of the Postal Service: "I am in receipt of your letter dated October 10, 2003, concerning city funding to the "snorkel lane project" at Wytheville, Virginia. I have reviewed the plan and concur with the design and funding proposal. However, I do not have authority to authorize the city to proceed with this project. Therefore, I am forwarding my recommendation and the city's proposal to our Facilities Office for review and approval. Your point of contact for future reference will be Ruthann Coburn, Real Estate Specialist." Councilman Crockett stated the Committee will share with the Council any future communications with the Post Office. Councilman Crockett stated he would assume that Town Manager Sutherland has not heard anything since this correspondence. Town Manager Sutherland advised that is correct. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: APPOINTMENT – RECREATION COMMISSION

Mayor Crewe stated the next agenda item is the notification of appointments to the Recreation Commission to fill the expiring terms of Dr. Christopher Pile and Mr. Paul Stanley whose terms expire December 31, 2003. He noted that anyone who is interested in serving on the Recreation Commission will need to submit an appropriate application so the Council can consider it. Mayor Crewe indicated that Dr. Pile and Mr. Stanley are eligible for reappointment. He explained that the Recreation Commission will review the matter at their November meeting and will make a recommendation to the Town Council. Mayor Crewe reiterated that these two terms will expire in December.

RE: APPOINTMENT – JOINT INDUSTRIAL DEVELOPMENT AUTHORITY

Mayor Crewe stated the next agenda item is the notification of an appointment to the Joint Industrial Development Authority to fill the expiring term of Mr. Tom Green whose term expires November 13, 2003. He noted that Mr. Green is one of the Town appointments to the Joint Industrial Development Authority, and he is not eligible for reappointment. Mayor Crewe advised that, likewise, anyone who would like to serve on the Joint Industrial Development Authority needs to complete an application form and submit it for consideration by the Town Council.

RE: RESOLUTION – COMMUNITY CENTER PROJECT

Mayor Crewe stated the next agenda item is the consideration of a resolution declaring the intention to reimburse from the proceeds of bonds certain expenditures to be made in connection with the Community Center Project. He noted that Council has in their information that the Town's bond counsel, Mr. Webster Day, has indicated that the Council needs to adopt a resolution which indicates the Town will incur expenses with the Community Center Project prior to the issuance of the bonds from Rural Development. Mayor Crewe explained that if the Council adopts this resolution, the Town can reimburse itself later for expenses incurred prior to the bonds being issued. Mayor Crewe advised that the Council has the text of the proposed resolution in their packet. A motion was made by Councilman Weisiger and seconded by Vice-Mayor King to adopt the resolution declaring the intention to reimburse from the proceeds of bonds certain expenditures to be made in connection with the Community Center Project. Mayor Crewe inquired if there is any discussion on the motion. Town Manager Sutherland stated that Mr. Day prepared this resolution for the Council's consideration. Mayor Crewe inquired if there is any further discussion or comments. Councilman Crockett indicated that his only comment deals with the comment he has made periodically which is the project is going to be a tremendous asset to the Town, but, it is certainly going to be a tremendous debt that the Town is going to incur. He advised he noticed that they mentioned the bond issued will not exceed \$14,454,000. Councilman Crockett advised that with debt service, if the Town ends up financing \$12 million, it is going to be at least \$25 million over the next 40 years. He stated he has great concern over this, and noted he has expressed this on numerous occasions. Mayor Crewe inquired if there is any further discussion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

RE: BUDGET AMENDMENTS

Mayor Crewe stated the next agenda item is approval of amendments to the fiscal year 2003-04 budget for the appropriation of funds to perform site excavation on the Community Center site, construction/renovation to the Visitor's Center, and an amendment to the Police Department line item to include a donation from Wal-Mart. He noted this was the subject of the public hearing held earlier in the meeting. Mayor Crewe inquired if there is a motion to amend the 2003-04 current year's budget for \$750,000 to perform site excavation on the Community Center site, \$160,000 for construction/renovations to Visitor's Center, and \$1,500 to the Police Department line item for the donation from Wal-Mart. A motion was made by Vice-Mayor King and seconded

by Councilman Weisiger to amend the fiscal year 2003-04 budget to reflect the appropriation of funds in the amount of \$750,000 to perform site excavation on the Community Center site, \$160,000 for construction/renovations to the Visitor's Center, and a line item amendment to the Police Department to include a \$1,500 donation from Wal-Mart. Mayor Crewe inquired if there is any discussion on the motion. Councilman Jones stated he would like to ensure that the Council understands that these line item appropriations will only be used for these items. Mayor Crewe stated that is correct and noted the three lines in the budget would be amended. Town Manager Sutherland advised that he understands Councilman Jones' point. Councilman Jones stated he would like for everyone to remember what these funds are allocated for. Mayor Crewe inquired if there is any further discussion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

RE: DIRECTOR OF PARKS AND RECREATION RICK SHOWALTER

Councilman Jones stated that Director of Parks and Recreation Rick Showalter addressed the Lions Club last Tuesday evening regarding the Community Center. He indicated that he gave an excellent talk and certainly explained what was going to be in the new Community Center. Councilman Jones indicated that this was a good program if there are other groups who would like to find out more about the new Community Center.

RE: PLANNING COMMISSION

Councilman Jones indicated that on behalf of the Planning Commission, he would like to thank the Town Council for permitting them to attend the Planning Commissioner's Institute two weeks ago. He stated he has always stated that it is much better than going to the Virginia Municipal League meeting. Councilman Jones reiterated that the Planning Commission appreciates this, and the members received a lot of good information from the Institute. Mayor Crewe stated the Council appreciates the Planning Commission members' willingness to attend the Institute.

RE: WYTHEVILLE MOOSE LODGE AWARDS BANQUET

Vice-Mayor King stated that she and Councilman Jones attended the awards banquet at the Wytheville Moose Lodge on Saturday night, and that is where they gave \$500 to each of the fire departments and the rescue squads in the County. She noted there was a good turnout at the awards banquet. Mayor Crewe indicated that he appreciated Vice-Mayor King and Councilman Jones attending the awards banquet.

RE: ADJOURNMENT

Mayor Crewe inquired if there is any further business to be discussed. There being none, a motion was duly made, seconded, and carried to adjourn the meeting (7:17 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, CMC, Clerk of Council

BUDGET AND FINANCE COMMITTEE REPORT

NOVEMBER 10, 2003

1. At our last meeting, we reported that there were several amendments to the Town's Personnel Regulations that we would offer for adoption. The amendments to the Personnel Regulations will need to be considered in ordinance form, which will be taken up on our agenda later this evening. We thought it might be helpful to, again, give an overview of the amendments and respond to any questions any member of Council may have.

The first change would be the inclusion of a revised definition of "seasonal employee." The revision here merely concerns our construction inspectors who may need to work in excess of 40 hours per week, but who may work 50 or less weeks per calendar year. The current definition precludes seasonal employees from working in excess of 40 hours per week, and this often causes problems during construction seasons.

The second revision within the Personnel Regulations requires every applicant for employment with the Town to be subject to a criminal history check. This amendment also requires that the criminal history of all current employees, likewise, be checked. In addition, this section establishes the procedures to be followed for any existing employee who is charged or convicted of a crime. Finally, the revision in this section notes that all personnel files are confidential and shall not be released except by subpoena and/or order of a court.

The next revisions to the regulations involve employees who engage in a second job. The essence of these revisions prohibits employees from working a second job while utilizing Town sick leave or family medical leave. This same section also identifies the members of the immediate family for whom family sick leave time can be used in the event of the death of an immediate family member.

This item comes up on the agenda later this evening. It would be the recommendation of the Budget and Finance Committee that the rules be suspended and that these amendments be adopted on a single reading of the ordinance.

2. A related item that we will consider this evening will be the adoption of a policy concerning the background checks of volunteers. The regulations governing volunteers are not a part of our Personnel Regulations and can be adopted by the Council as a policy. These proposed policies on volunteers are attached, and we, likewise, recommend their adoption.

Jacqueline K. King

John W. Jones, Jr.

TOWN OF WYTHEVILLE

Background Check Policy for Town Volunteers

I. Purpose

The purpose of this policy is to require background checks on all volunteers for town departments who will provide services to juveniles in order to preserve the safety and well-being of children served by the town. The town will not permit individuals to work with children if they have ever demonstrated criminal conduct incompatible with service to or care of children.

II. Implementation

- A. Each town department head shall determine in conjunction with the Department of Human Resource Management ("HRM") the positions that shall be subject to this policy.
- B. Each volunteer shall be responsible for submitting to the respective department all necessary forms required for the position. Volunteers will be permitted to begin working subject to completion of a satisfactory background check. Failure to complete and/or execute the necessary forms shall disqualify the individual from volunteering in a juvenile services position.
- C. All volunteers must provide truthful, correct and complete information on the required forms. Failure to do so will result in disqualification from volunteering in a juvenile services position.
- D. Individuals may begin participating prior to the completion of a background investigation provided they have completed all required forms and filed them with the department head. If the individual is later found to be ineligible under this policy, they shall be disqualified.
- E. Once an individual has been found to be eligible to participate, his/her name will be placed on an approved list and they shall not be subject to further investigation, except the Town shall conduct random checks annually on 25% of all individuals who have previously been determined to be eligible and wish to maintain their name on the approved list.
- F. Any volunteer who is subsequently charged or convicted of any of the crimes as set forth herein shall notify his/her supervisor and department head within one work day of the charge. If a volunteer is charged with a felony or other criminal offense of

such nature that the volunteer's continued performance of Town duties poses an immediate threat to the discipline or effective performance of other employees; has an immediate adverse effect on the reputation of the Town; or, impairs the effective performance of any Town function, the Town Manager may determine a suspension is warranted and shall notify the volunteer in writing of the proposed suspension. The Town Manager may suspend a volunteer for all or any part of the time criminal proceedings are pending.

III. Applicable Data Bases

The Town's Administrative Department shall process each release form received from a volunteer in order to receive information from the Central Criminal Record Exchange ("CCRE") maintained by the State Police and the Sex Offender and Crimes Against Minors Registry from the State Police.

IV. Barrier Crimes/Dispositions:

A. The services of a volunteer shall not be accepted if the results of the background check show that the person has been convicted of any of the following crimes as set out in Title 18.2 of the Code of Virginia as may be amended or equivalent offenses in another state:

1. Crimes Against The Person

- a. murder and manslaughter (§ 18.2-30 et seq.)
- b. malicious wounding by mob (§ 18.2-41)
- c. abduction (§§ 18.2-47, -48)
- d. felony assault and bodily wounding (§ 18.2-51 et seq.)
- e. robbery (§ 18.2-58)
- f. carjacking (§ 18.2-58.1)
- g. extortion and other threats (§§ 18.2-59, -60)

- h. sexual assault (§ 18.2-61 et seq.)
- i. felony stalking (§ 18.2-60.3)
- j. any other felonies against the person as defined by the Code of Virginia
- k. convictions of any attempts or conspiracies to commit any of the aforesaid crimes

2. Crimes Against Property

- a. felony arson (§ 18.2-77)
- b. burglary (§ 18.2-89 et seq.)
- c. convictions of any attempts or conspiracies to commit any of the aforesaid crimes

3. Crimes Involving Health and Safety

- a. felony violation relating to the possession or distribution of drugs within five (5) years (§ 18.2-247 et seq.)
- b. drive-by shooting (§ 18.2-286.1)
- c. use of machine gun in a crime of violence (§ 18.2-289)
- d. aggressive use of machine gun (§ 18.2-290)
- e. use of sawed off shot gun in crime of violence (§ 18.2-300A)
- f. felonious discharge of firearms within or at occupied dwellings (§ 18.2-279)
- g. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

4. Crimes Involving Morals and Decency

- a. failing to secure medical attention for injured child (§ 18.2-314)
- b. pandering (§ 18.2-355)
- c. crimes against nature involving children (§ 18.2-361)
- d. taking indecent liberties with children (§§ 18.2-370, -370.1)
- e. abuse and neglect of children (§ 18.2-371.1)
- f. obscenity offenses (§ 18.2-374.1)
- g. possession of child pornography or electronic facilitation of pornography (§§ 18.2-374.1:1, -374.3)
- h. incest (§ 18.2-366)
- i. abuse and neglect of incapacitated adults (§ 18.2-369)
- j. employing or permitting a minor to assist in an act constituting an obscenity offense (§ 18.2-372 et seq.)
- k. convictions of any attempts or conspiracies to commit any of the aforesaid crimes

5. Crimes Against Minors

Any conviction for a crime against the person or property of a minor, felony or misdemeanor, inclusive of the crimes set forth above.

V. Dissemination of Results/Confidentiality

Results of the background search information by the Wytheville Administrative Department shall be maintained in the Administrative Departments Human Resource Office. All persons receiving background information regarding a volunteer shall maintain the confidentiality of such information in accordance with applicable law.

VI. Appeal

Any volunteer whose services are rejected by the town as a result of information received from the background check may appeal such decision to the Town Manager if the volunteer believes the decision was based on inaccurate background information.

G:\SHARON\General\Background Check Policy for Volunteers.doc

[Back](#)

PUBLIC WORKS COMMITTEE REPORT

NOVEMBER 10, 2003

1. We were contacted recently by a resident who lives at the intersection of Fisher Road and Pine Street who noted that there had been several serious accidents at that location and thought some additional traffic control measures were needed. We asked the Police Department for accident data for all intersections on Fisher Road and found that there had been a total of five accidents on Fisher Road with one major accident occurring at Fisher Road and Pine Street, while two major accidents had occurred at Fisher Road and Spiller Street. One solution that we have under consideration is creating a four-way stop situation at Fisher Road and Pine Street. Without doubt, at every intersection where we have installed four-way stop signs, the number of accidents has declined. However, before proceeding with such an installation, we thought it may be worthwhile to have the Police Department provide us a report determining if the number of accidents along Fisher Road is excessive in terms of all other intersections in town. We should have this report within the next week and will make a recommendation to the Council on whether or not to proceed with creating this new four-way stop arrangement.
2. Our Committee met, this week, with Executive Director Randy Martin of the Wytheville Redevelopment and Housing Authority. Mr. Martin provided our Committee with an overview of the Authority's plans to construct new dwelling units on land they recently purchased on Cassell Road. Mr. Martin noted that the Authority currently has 151 families on their waiting list who are seeking one and two-bedroom family units. Mr. Martin noted that the project on Cassell Road would consist of the construction of eight one-bedroom apartments and twelve

two-bedroom apartments. The one-bedroom units would be approximately 800 square feet and the two-bedroom units would be approximately 1,200 square feet. Mr. Martin also noted that the one-bedroom units are to be located on a single level, and the two-bedroom units will be located on two floors with handicapped accessibility on the lower level. He also noted that 20 percent of the units will be totally accessible for handicapped residents. Mr. Martin stated that currently, the Authority intended that these would be wood frame structures with brick veneer exteriors and asphalt shingle roofing.

Mr. Martin noted that the Authority would be retaining an architectural firm to do planning for the project and would be approaching the Town Council in the near future requesting that the Town make application through the Community Development Block Grant program for grant funds to be used for site work and related items. Mr. Martin stated that the application deadline for the grant funds would be March of 2004. Mr. Martin advised that he would provide the Council additional information and would be seeking approval in the near future for the Town making the application for the grant funds.

William B. Weisiger

Charles G. Crockett