

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JUNE 27, 2005, 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, Town Treasurer Michael G. Stephens, Police Officer Chastity Russell

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

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

**RE: CONSENT AGENDA**

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of June 13, 2005; the request of the New River Highlands Resource Conservation and Development for waiver of fee for use of the Elizabeth Brown Memorial Park on July 28, 2005, for a picnic; the request of the Wytheville Lions Club for waiver of fee for use of the Bingo Room on August 2, 2005, for a picnic; the request of the Wythe County Rescue Squad for waiver of fees for use of the Gymnasium and Bingo Room on February 25, 2006, for a district meeting and training session; and the request of the Wytheville Fire Department for a request for waiver of fees for use of the Elizabeth Brown Memorial Park on July 16, 2005, for a picnic. A motion was made by Councilman Lambert and seconded by Councilman Weisiger to approve the consent agenda consisting of the minutes of the regular meeting of June 13, 2005; the request of the New River Highlands Resource Conservation and Development for waiver of fee for use of the Elizabeth Brown Memorial Park on July 28, 2005, for a picnic; the request of the Wytheville Lions Club for waiver of fee for use of the Bingo Room on August 2, 2005, for a picnic; the request of the Wythe County Rescue Squad for waiver of fees for use of the Gymnasium and Bingo Room on February 25, 2006, for a district meeting and training session; and the request of the Wytheville Fire Department for a request for waiver of fees for use of the Elizabeth Brown Memorial Park on July 16, 2005, for a picnic. Mayor Crewe inquired if there is any discussion on the motion. Councilman Jones stated he will vote yea on all of the items except for the request of the Wytheville Lions Club, which he will abstain from voting on since he is a Wytheville Lions Club member. 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: John W. Jones, Jr., on the Wytheville Lions Club request.

**RE: PUBLIC HEARING – BUDGET AMENDMENTS**

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider budget amendments for fiscal year 2004-05. Mayor Crewe noted this is for the Sewer Interceptor Project line item in the budget to transfer monies. Town Manager Sutherland stated that all of the Council members have been given the information. Town Treasurer Stephens stated the Town needs \$600,000 for the Interceptor Project. He noted there needs to be a loan from the General Fund. Town Treasurer Stephens explained that after getting the budget almost completed, although there are three days left, the Town is basically finished with all of the expenditures. He noted the Town now only needs \$200,000 as a loan from the General Fund, and he would like to increase the Water Services line item by \$250,000, and the Sewer Services line item would have a \$150,000 increase. Town Treasurer Stephens stated that these are the two line items in the budget, and reiterated that the Town needs to borrow \$200,000 from the General Fund to balance the amendments. Mayor Crewe noted that the Council will take action on this matter in a few moments. He inquired if any of the Council members have any questions for Town Treasurer Stephens. There being none, Mayor Crewe declared the public hearing closed.

**RE: CITIZENS' PERIOD**

Mayor Crewe advised that the next agenda item is Citizens' Period. He inquired if there are persons present who wish to address the 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. The Crossroads Regional Industrial Facility Authority, at their last meeting, amended the bylaws to the extent that anyone who was appointed to the Authority for less than a four year term initially would be eligible for two full four-year terms. Mayor Crewe noted that the person would be eligible for two full four-year terms plus their original appointment time. This would be applicable to Board of Supervisors Member Bucky Sharitz and Mayor Crewe because their initial terms were staggered and each served a two-year term initially. Mr. Sharitz and Mayor Crewe are now eligible, if so appointed, to serve another full four-year term. Mayor Crewe's appointment to the Board expires July 1, 2005, and if Council so desires, Mayor Crewe needs to be reappointed to the Crossroads Regional Industrial Facility Authority. Councilman Weisiger inquired if Mayor Crewe is willing to be reappointed. Mayor Crewe noted he is willing to serve another four-year term. He requested Vice-Mayor King to temporarily preside over the meeting since he is the one being reappointed. Vice-Mayor King noted that she would temporarily preside over the meeting. A motion was made by Councilman Weisiger and seconded by Councilman Jones to reappoint Mayor Crewe to the Crossroads Regional Industrial Facility Authority. Vice-Mayor King 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.
2. There are several revisions in the meeting schedules of Committee meetings, and advised that there are joint Committee meetings and training sessions. Mayor Crewe stated he believes everyone agreed to the changes in the meeting dates when they were discussed in Committee meetings last week. He inquired if there is any reason to change the training session for the National Incident Management Systems. There being no concerns expressed, Mayor Crewe advised that the Committee meeting dates will be held as was discussed in the Committee meetings last week.

## **RE: BUDGET AND FINANCE COMMITTEE REPORT**

Councilman Jones, reporting for the Budget and Finance Committee, entered the following report into record: (1) During the past fiscal year, there have been a number of water and sewer related projects that have resulted in the water and sewer side of the budget being in a deficit situation. One of the larger projects that has caused this deficit is the Sewer Interceptor Project that was recently finalized. As we have reported previously, there are not sufficient revenues within the water and sewer side of the budget to fund these deficits. The Town Manager and the Treasurer have recommended that the shortfall in the water and sewer budget be funded by a loan from the General Fund in the amount as just reported by Town Treasurer Stephens. This loan will provide the funding needed to balance the water and sewer side of the budget as required by state law. Also, in closing out the financial records for the current fiscal year, it is necessary for the Treasurer to make certain line item revisions between departments. This has been a normal practice in previous years and merely shifts money within the general fund side of the budget to balance the various department budgets. Therefore, it is the recommendation of the Budget and Finance Committee that the Treasurer be authorized to loan funds to the water and sewer side of the budget from the General Fund, to balance the Water/Sewer Fund, and to make the necessary line item revisions within the budget to balance it for the year end. Mayor Crewe noted it will be necessary for the Council to authorize the Town Treasurer to loan the funds to the water and sewer side of the budget, in the amount of \$200,000, from the General Fund and inquired if that is correct. Town Manager Sutherland stated that is correct. Mayor Crewe advised that it will also be necessary for the Council to make the other necessary line item revisions in the budget to balance it for the year end. Councilman Weisiger inquired if the Town had extra funds. Town Treasurer Stephens noted that after finishing out the year, the Town had additional water and sewer revenues. Councilman Lambert inquired if Town Treasurer Stephens thought this would be indicative of what is going to happen during the coming year. Town Treasurer Stephens answered that he hopes this is indicative of what will happen with the water and sewer fund for the coming year. Town Manager Sutherland stated if the Council is so inclined to make the motion, the auditor wants the words "to amend and appropriate" in the motion. A motion was made by Vice-Mayor King and seconded by Councilman Jones to amend and appropriate the line item revisions necessary to balance the budget for the year end and to authorize the Town Treasurer to make a loan from the general fund side of the budget to the water and sewer side of the budget in the amount of \$200,000. 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 Jones also entered the following portion of the Budget and Finance Committee report into the record: (2) With regard to the water/sewer side of the budget, there is an additional project that will be under review in the next few months. As the Council is aware, the Town is a member of the New River Regional Water Authority, which is developing plans for the construction of a water treatment facility in Austinville. One important component of this new system is the connection of the Town's water system to the County's water system. This connection will require extension of the Town's lines from a point near Edgemont Center eastwardly to the corporate limits where it will then attach with a County water line. Just prior to exiting the corporate limits, a new line will be constructed beneath the interstate that will serve the south side of Progress Park. The total cost for all this work is approximately \$3 million. We will be receiving approximately \$500,000 in grant funds for this project. The remaining \$2.5 million will necessarily require loan proceeds. We have contacted the financial advisors who handled the refinancing of the Rural Development bonds, who have advised that they will submit to us information and proposals on obtaining a loan for the required amount. Under current economic conditions, it may well be favorable to consider a loan from a commercial bank rather than pursuing loans from governmental agencies. We hope that we will have information with regard to the project and the potential for loan proceeds within the next few weeks and will then share it with the Council for review.

Town Manager Sutherland noted that at the Public Works Committee meeting and the Budget and Finance Committee meeting this week, the agreement with Ferris, Baker Watts will be reviewed, and this process is about to start. 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, entered the following report into the record: (1) At the last meeting of Council, Mr. Randy Anderson, Manager of the Lowe's Home Improvement Center, appeared before Council and expressed his concern about tractor-trailers parking on his lot and in adjacent lots, creating traffic problems and safety concerns. Mr. Anderson also appeared at our Committee meeting last Tuesday morning and again expressed his concerns about the situation. Last Tuesday morning, Mr. Anderson, Town Manager Sutherland, and a representative from the shopping center met to discuss corrective actions that could be taken to eliminate the problem. The plan of action that was developed that morning included Lowe's installing certain barriers and restricting certain entrances to the extent that tractor-trailers could not reasonably gain access to their lot. The shopping center owner also agreed to provide certain barricades that would eliminate trucks from using other areas of the shopping center parking lots. Both Mr. Anderson and the shopping center owner noted that they had spent considerable funds repairing damages made by the trucks. There are numerous signs at the shopping center noting that tractor-trailer parking is prohibited, but, apparently, the drivers of these vehicles do not comply with the restriction. We discussed at some length that all of these parking lots are private property, and, currently, our police do not have the authority to issue warrants for trespassing. There are certain provisions in the State Code that would allow the Town to adopt an ordinance providing the police with the authority, but we think it is premature at this time to adopt such regulations. We also suggested to Mr. Anderson and the shopping center owner that they may need to employ a private security guard to enforce the parking regulations. We think the best course of action for the short term is to wait until after the barricades and other parking lot restrictions are installed to see if they are helping the situation. No action is required by the Council on this matter, but we did want to report that we had, in fact, reviewed the inquiry made at the last meeting of Council. (2) At the last meeting of the New River Regional Water Authority, the Authority's attorney, Mr. Webster Day, presented yet another draft of the document known as the "Preliminary Service Agreement." This document, which has been under development by the Authority for several months, sets forth the obligations of the three participating jurisdictions. Previously, there had been a service agreement between the three jurisdictions which provided that once the water treatment facility was constructed, each jurisdiction would consume a certain portion of the plant's production capabilities. The previous document did not establish a commitment of the participating jurisdictions to pay their pro rata share of construction and operational expenses. The new document being considered by the Authority again sets forth the consumption of each jurisdiction, but it also requires each jurisdiction to make an annual commitment to fund the Authority's construction and operational expenses. It is anticipated that this document will be adopted by the Authority at their next meeting. Assuming that the document is adopted, it will then be sent to the three participating jurisdictions for their approval.

Mayor Crewe advised that on Saturday evening around 11:30 p.m., there were no trucks parked in the Lowe's parking lot and advised that this was the first time he had ever seen that. Councilman Jones noted that there were trucks in their parking lot when he was there on Friday evening. Vice-Mayor King stated that today when she was there, trucks were parking in the Lowe's parking lot. Town Manager Sutherland inquired if they are referring to the Lowe's or Wal-Mart parking lot. Councilman Jones and Vice-Mayor King answered that they are referring to the

Lowe's parking lot. Town Attorney Kaase pointed out that all Lowe's has to do is take the appropriate security measures and retain a lawyer to prosecute the case. Mayor Crewe indicated that the Council also does not need to take any action on the Committee report regarding the New River Regional Water Authority, if he understands the report correctly, and inquired if that is correct. 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: ORDINANCE NO. 1191 – AMENDMENT TO PERSONNEL RULES, REGULATIONS, AND POLICIES**

Mayor Crewe presented Ordinance No. 1191, an ordinance amending and reenacting Ordinance No. 1028, generally known as Personnel Rules, Regulations, and Policies, Section 7. Employee Expenses, Section 7.1 Travel, Subsection C. Mileage of the Town of Wytheville, Virginia, on first reading. He stated there is a slight difference in the numbers in the Council's package than the proposal. Mayor Crewe explained that currently, the Town is paying \$.27 per mile to the employee if a Town vehicle is not available for travel, and paying \$.19 per mile to the employee if a Town vehicle is available, but is not used. He remarked that the proposal is to change the \$.27 per mile reimbursement to \$.325 per mile if a Town vehicle is not available for travel and to not change paying \$.19 per mile if a Town vehicle is available, but is not used. A motion was made by Councilman Weisiger and seconded by Councilman Jones to approve Ordinance No. 1191, an ordinance amending and reenacting Ordinance No. 1028, generally known as Personnel Rules, Regulations, and Policies, Section 7. Employee Expenses, Section 7.1 Travel, Subsection C. Mileage of the Town of Wytheville, Virginia, on first, but not final, reading with the regulations being changed from \$.27 per mile reimbursement to \$.325 per mile if a Town vehicle is not available for travel and to not change paying \$.19 per mile if a Town vehicle is available, but is not used. Councilman Weisiger noted that he did not realize that the Council was leaving the \$.19 per mile reimbursement if a Town vehicle is available but not used. He inquired if the Committees did not talk about changing the \$.19 reimbursement figure. Mayor Crewe answered that the Committee talked about this, and noted he thinks the Budget and Finance Committee's recommendation is to leave the reimbursement rate at \$.19 per mile if a Town vehicle is available but not used. Mayor Crewe stated this would penalize someone for not using a Town vehicle that is available. Councilman Weisiger advised that he was thinking about not reimbursing an employee at all for mileage if they do not take a Town vehicle when one is available. Vice-Mayor King inquired as to why Councilman Jones is requesting that the ordinance only be approved on first, but not final, reading. Councilman Jones advised that he has some other suggestions that may come on second or third reading. He explained that the suggestions are some things that the State does, and noted, for instance, what the State is currently doing is if it is less than 100 miles round trip, the employee can use his/her own vehicle, even if a State vehicle is available. Councilman Jones noted that the State pays the \$.325 per mile because it is a cost saving to the State for the employee to use his/her own vehicle for less than 100 miles. He explained that under the State regulations, if the trip is more than 100 miles and the employee wants to use his/her own vehicle, the Training Center has elected not to pay the employee any mileage. Councilman Weisiger stated this was his first reaction last week if the employee elects to use his/her own vehicle. Councilman Jones noted if the ordinance was approved on first reading, the Council can discuss these other suggestions before a decision is made. He explained that if an employee wants to use his/her own vehicle for a trip that is less than 100 miles, it is to the advantage of the Town for a 100-mile round trip for the employee to use their vehicle, as far as cost is concerned. Councilman Jones noted that this could be discussed in Committee meetings. Vice-Mayor King noted that the ordinance could be taken off the table. Mayor Crewe advised that the Council could approve the ordinance on first reading and make changes to it. Councilman Jones reiterated that changes could be made to the ordinance on second and third reading. Mayor Crewe indicated that the Council can consider the ordinance however they desire. Councilman Jones pointed out that if the Council approves the ordinance on first reading, at least the Council has started the process, and advised that the Council has done this before. Mayor Crewe noted that is correct. Councilman Lambert stated that this sounds reasonable. Mayor Crewe inquired if there is any other 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, H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1191 was adopted on first, but not final, reading as amended. Mayor Crewe noted any amendments to the ordinance can be proposed during the subsequent readings.

**RE: APPOINTMENT – DISTRICT THREE GOVERNMENTAL COOPERATIVE**

Mayor Crewe stated the next agenda item is the appointment of a Council member to the District Three Governmental Cooperative to fill the expiring term of Councilman William Weisiger whose term expires June 30, 2005. He noted it will be necessary to appoint a member and an alternate to the District Three Governmental Cooperative. Mayor Crewe explained that Councilman Lambert is currently the alternate. A motion was made by Councilman Jones and seconded by Vice-Mayor King to reappoint Councilman Weisiger as the member and Councilman Lambert as the alternate member to the District Three Governmental Cooperative. Mayor Crewe inquired of Councilmen Weisiger and Lambert if this is acceptable. Councilmen Weisiger and Lambert advised that they are willing to be reappointed. 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: ADJOURNMENT**

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:15 p.m.).

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Trenton G. Crewe, Jr., Mayor

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Sharon P. Hackler, MMC, Clerk of Council

## **BUDGET AND FINANCE COMMITTEE REPORT**

**JUNE 27, 2005**

1. During the past fiscal year, there have been a number of water and sewer related projects that have resulted in the water and sewer side of the budget being in a deficit situation. One of the larger projects that has caused this deficit is the Sewer Interceptor Project that was recently finalized. As we have reported previously, there are not sufficient revenues within the water and sewer side of the budget to fund these deficits. The Town Manager and the Treasurer have recommended that the shortfall in the water and sewer budget be funded by a loan from the General Fund in the amount as just reported by Town Treasurer Stephens. This loan will provide the funding needed to balance the water and sewer side of the budget as required by state law. Also, in closing out the financial records for the current fiscal year, it is necessary for the Treasurer to make certain line item revisions between departments. This has been a normal practice in previous years and merely shifts money within the general fund side of the budget to balance the various department budgets. Therefore, it is the recommendation of the Budget and Finance Committee that the Treasurer be authorized to loan funds to the water and sewer side of the budget from the General Fund, to balance the Water/Sewer Fund, and to make the necessary line item revisions within the budget to balance it for the year end.
2. With regard to the water/sewer side of the budget, there is an additional project that will be under review in the next few months. As the Council is aware, the Town is a member of the New River Regional Water Authority, which is developing plans for

the construction of a water treatment facility in Austinville. One important component of this new system is the connection of the Town's water system to the County's water system. This connection will require extension of the Town's lines from a point near Edgemont Center eastwardly to the corporate limits where it will then attach with a County water line. Just prior to exiting the corporate limits, a new line will be constructed beneath the interstate that will serve the south side of Progress Park. The total cost for all this work is approximately \$3 million. We will be receiving approximately \$500,000 in grant funds for this project. The remaining \$2.5 million will necessarily require loan proceeds. We have contacted the financial advisors who handled the refinancing of the Rural Development bonds, who have advised that they will submit to us information and proposals on obtaining a loan for the required amount. Under current economic conditions, it may well be favorable to consider a loan from a commercial bank rather than pursuing loans from governmental agencies. We hope that we will have information with regard to the project and the potential for loan proceeds within the next few weeks and will then share it with the Council for review.

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Jacqueline K. King

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John W. Jones, Jr.

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**JUNE 27, 2005**

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would allow the Town to adopt an ordinance providing the police with the authority, but we think it is premature at this time to adopt such regulations. We also suggested to Mr. Anderson and the shopping center owner that they may need to employ a private security guard to enforce the parking regulations. We think the best course of action for the short term is to wait until after the barricades and other parking lot restrictions are installed to see if they are helping the situation. No action is required by the Council on this matter, but we did want to report that we had, in fact, reviewed the inquiry made at the last meeting of Council.

2. At the last meeting of the New River Regional Water Authority, the Authority's attorney, Mr. Webster Day, presented yet another draft of the document known as the "Preliminary Service Agreement." This document, which has been under development by the Authority for several months, sets forth the obligations of the three participating jurisdictions. Previously, there had been a service agreement between the three jurisdictions which provided that once the water treatment facility was constructed, each jurisdiction would consume a certain portion of the plant's production capabilities. The previous document did not establish a commitment of the participating jurisdictions to pay their pro rata share of construction and operational expenses. The new document being considered by the Authority again sets forth the consumption of each jurisdiction, but it also requires each jurisdiction to make an annual commitment to fund the Authority's construction and operational expenses. It

is anticipated that this document will be adopted by the Authority at their next meeting. Assuming that the document is adopted, it will then be sent to the three participating jurisdictions for their approval.

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William B. Weisiger

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H. Judson Lambert

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