

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JULY 25, 2005, AT 7:00 P.M.**

Members present: Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert

Members absent: Trenton G. Crewe, Jr.

Others present: Town Manager C. Wayne Sutherland, Jr., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon P. Hackler, Police Officer Chastity Russell, Justin Harmon with Wytheville Enterprise, Becky Grubb, Pat Snapp, Margaret Wampler, Jim Willis, Charlie Barr, Jon Barr

RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE

In the absence of Mayor Crewe, Vice-Mayor King 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 Councilman Lambert.

RE: CONSENT AGENDA

Vice-Mayor King presented the consent agenda consisting of the minutes of the regular meeting of July 11, 2005; the request of the Wythe County Rescue Squad for waiver of fee for use of McWane Pool for their annual picnic on August 28, 2005; the request of the Wythe County Extension for waiver of fee for use of the Bingo Room for their annual DHIA meeting on December 6, 2005; the request of the Wytheville Woman's Club for waiver of fee for use of the Elizabeth Brown Memorial Park for a picnic on August 22, 2005; the request of Crossroads Shelter, Inc. for waiver of fee for use of the Elizabeth Brown Memorial Park for a food festival fundraiser on August 25, 2005; and the request of the Wytheville Volunteer Fire Department to conduct their annual Fire Prevention Parade on October 15, 2005, at 7:00 p.m. 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 July 11, 2005; the request of the Wythe County Rescue Squad for waiver of fee for use of McWane Pool for their annual picnic on August 28, 2005; the request of the Wythe County Extension for waiver of fee for use of the Bingo Room for their annual DHIA meeting on December 6, 2005; the request of the Wytheville Woman's Club for waiver of fee for use of the Elizabeth Brown Memorial Park for a picnic on August 22, 2005; the request of Crossroads Shelter, Inc. for waiver of fee for use of the Elizabeth Brown Memorial Park for a food festival fundraiser on August 25, 2005; and the request of the Wytheville Volunteer Fire Department to conduct their annual Fire Prevention Parade on October 15, 2005, at 7:00 p.m. 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: Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: CITIZENS' PERIOD

Vice-Mayor King advised that the next agenda item is Citizens' Period. She recognized Sheriff Doug King who stated his purpose in attending the meeting is to introduce himself to the Town Council. He remarked that he finds himself knowing practically everyone on the Council. Mr. King remarked that on July 1 he took over as sheriff after being named so by the Circuit Court judge. He indicated that he will continue to serve as sheriff until the election on November 8,

2005, and noted, that possibly, he will be sheriff after the election date. Sheriff King indicated that the second reason he is attending the meeting is to ensure the Council of the continued cooperation of Wythe County Sheriff's Office with the Wytheville Town Police. He noted the County, he feels, has always maintained an excellent working relationship with the Town police. Sheriff King reiterated that while he is sheriff, the Town Council can count on the continued cooperation of the Wythe County Sheriff's Office with the Town Police Department. He noted should any of the Council members ever have any concerns with any of his personnel, any Sheriff's Office matters, or want to talk about anything, he would invite the Council to please come by his office or give him a call. Sheriff King stated he is in the office most of the days, and he is famous for returning telephone calls. He indicated he would be glad to answer any questions now that the Council may have. Sheriff King stated this is the first meeting the Council has had since he became Sheriff or he would have appeared sooner, but it did not work out that way. He inquired if the Council has any questions at this time. Vice-Mayor King inquired if any Council member has any questions for Sheriff King. Councilman Weisiger stated he is glad to have Mr. King as the sheriff. Councilman Jones stated that a lot of people have seen Sheriff King on television due to the recent incident. Sheriff King noted that the Sheriff's Department apprehended the suspect, and everyone can again unlock their doors and not worry about their cars, and the suspect is in custody. Vice-Mayor King thanked Sheriff King for attending the meeting.

Vice-Mayor King inquired if there are others who wish to address the Town Council during Citizens' Period. There being none, she proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. Town Manager Sutherland noted that the Council has been given an ordinance that he would ask them to consider at this meeting. The Town had an assessment of its existing Soil Erosion & Sediment Control Program by the HUD State Agency. It was noted that the Town's ordinance, as it exists, fails to denote natural gas pipelines. HUD wanted the language amended to include the words "natural gas pipelines," and this is the only amendment proposed in this ordinance. Town Manager Sutherland indicated that he would ask the Council to consider this ordinance at this time or later in the meeting for adoption. A motion was made by Councilman Jones and seconded by Councilman Weisiger to suspend the rules and adopt Ordinance No. 1192, 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, Section 10-79. 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: Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1192 was adopted on first and final reading.

2. Some weeks ago, both Committees heard a request from Mr. Paul Garst with regard to the closing of an alley bounded by 20th, 22nd, Spiller, and Pine Streets. Mr. Garst has now, in fact, filed with the Town a petition for the closing of the alley, and all of the abutting property owners have signed the petition. Mr. Garst is prepared to pay the fees that were discussed with him in terms of purchasing the property, the application fee, and the advertising fees. As such, this will require the setting of a public hearing. These types of matters have to be published twice, and the public hearing cannot be held any sooner than seven days following the second public notice, which means that the first time this matter could be considered would be August 22. Town Manager Sutherland advised that he would ask the Council to establish an August 22 public hearing date for Mr. Garst's request. It was the consensus of the Council to set a public hearing for the August 22 meeting to consider the request of Mr. Paul Garst for the closing of an alley bounded by 20th, 22nd, Spiller, and Pine Streets.
3. The Committee meeting dates are reversed this week. The Budget and Finance Committee meeting will be held on Tuesday morning, and the Public Works Committee meeting will be held on Thursday morning.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, reported that the process of seeking loan funds to extend the Town's water system along the service road to the eastern corporate limits and to serve Progress Park has begun. He stated the Town has retained Ferris, Baker Watts as the financial advisor to the Town, and Mr. Webster Day as bond counsel. Councilman Jones advised that Ferris, Baker Watts will be requesting proposals from various financial institutions seeking up to \$2.1 million for the purpose of financing the construction of the water lines. He stated that project costs are currently estimated at approximately \$2.524 million, and the Town has been awarded \$430,000 in grant funds. Councilman Jones explained that the Town is seeking a 20-year fixed term interest rate that will be secured as a general obligation debt of the Town. He noted that the Town's bond counsel, Webster Day, has developed a closing agenda for the receipt of these funds. Councilman Jones stated that later in the meeting, the Council will consider the adoption of an initial resolution giving notice of the Town's intent to secure these loan funds. He remarked that assuming the loan resolution is adopted at this meeting, it will be necessary that it be filed with the Circuit Court for public review. Councilman Jones noted that the deadline on receipt of proposals from financial institutions is August 4, and, tentatively, the Town would be on schedule to close with the bond purchaser on August 30. He advised that during the period of time between August 4 and August 30, the Council would have the opportunity to review the proposals and to develop final closing documents. Councilman Jones explained that the process also requires the Council to hold a public hearing with regard to this matter. He stated, therefore, it is the recommendation of the Budget and Finance Committee that the initial loan resolution be adopted and that the Council establish August 8 as the date for the public hearing with regard to this matter. Vice-Mayor King advised that the loan resolution will be considered later in the meeting. She noted that the Council will accept the recommendation of the Budget and Finance Committee, which does not require a second, to establish August 8 as the date for the public hearing to consider this matter. 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: Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

Councilman Jones also reported that as was reported several weeks ago, the Town and its employees are now required to become certified in the National Incident Management System (NIMS) program. He noted this program was mandated by an executive order of President Bush in an effort to have a national system to respond to emergency situations. Councilman Jones indicated that it became clear after the September 11 terrorism incident that it was important for all jurisdictions and entities responding to an emergency situation that there be standardized procedures. He stated the Town has been holding a series of training sessions to review the course material. Councilman Jones advised that all members of the Council and Administrative staff as well as department heads and Public Works employees and Treatment Plant employees have completed the program. He remarked that the Public Safety Department is in the process of completing the program and should be finished with their training activities within the next few weeks. Councilman Jones noted that thereafter, all of the elected officials and all of the Town's employees who may be involved in a response to an incident will be certified under the NIMS program. He advised that communities who are certified in the NIMS program are eligible for federal disaster assistance, whereas, those communities who have not been certified will not be eligible for federal emergency funding. A copy of the Budget and Finance Committee report is attached and made part of these minutes.

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Weisiger, reporting for the Public Works Committee, stated that the Mount Rogers Planning District Commission, in a combined effort with the Virginia Department of Emergency Management, is in the process of developing a regional Pre-Disaster Hazard Mitigation Plan. He explained that under this program, Mount Rogers Planning District Commission will receive certain funds from the Department of Emergency Management for the development of this plan. Councilman Weisiger advised that each county and town within the Planning District Commission area will be a component of the emergency plan. He noted that the Pre-Disaster Hazard Mitigation Plan contains an assessment of potential significant natural hazards as well as strategies to eliminate or reduce the risk of such future incidents. Councilman Weisiger advised that the Pre-Disaster Hazard Mitigation Plan is required to be developed by each community and by doing it as a region with the Planning District Commission, the Town can share resources with rest of the area. He stated in order to participate in the program, it is required that the Council adopt a resolution accepting participation in the Plan. Councilman Weisiger remarked that later in the meeting on the Council agenda is a resolution accepting participation in the Plan, and, at that time, it would be the recommendation of the Public Works Committee that the resolution be adopted.

Councilman Weisiger also reported that the Budget and Finance Committee discussed funding for the extension of water lines in Progress Park, and the Committee would like to report that the process of getting construction under way has started. He noted that the water line project was advertised this past Sunday, July 17, and a pre-bid conference will be held August 3. Councilman Weisiger stated that as the Council knows, this segment of line that is being constructed will proceed eastwardly from a point near the Edgemont Center to the corporate limits, and will also extend to Progress Park. He indicated that the project consists of installing about 5,500 feet of 20-inch water line and 13,500 feet of 16-inch water line. Councilman Weisiger advised that the proposed schedule is that bids on this project will be received on August 16, and, assuming that bids are acceptable and the financing package is completed, the Town should be in a position to award construction contracts early in September. He stated that no action is required of the Council at this time, but the Committee did want to advise of the proposed schedule for proceeding with the construction. A copy of the Public Works Committee report is attached and made part of these minutes.

RE: RESOLUTION – GENERAL OBLIGATION BONDS

Vice-Mayor King stated the next agenda item is consideration of a resolution authorizing the issuance of general obligation bonds of the Town of Wytheville and related actions. A motion was made by Councilman Jones and seconded by Councilman Lambert to adopt the resolution authorizing the issuance of general obligation bonds and the related actions. Vice-Mayor King inquired if there is any discussion on the motion. Town Manager Sutherland advised that if the Council does not receive a financing package that they like, the Council has no commitments other than they have to give public notice that they are seeking these funds. Vice-Mayor King 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: Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: RESOLUTION – PRE-DISASTER HAZARD MITIGATION PLAN

Vice-Mayor King stated the next agenda item is the consideration of a resolution adopting the Pre-Disaster Hazard Mitigation Plan. She noted this resolution was recommended by the Public Works Committee. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to adopt the resolution adopting the Pre-Disaster Hazard Mitigation Plan. 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: Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: APPOINTMENT – BUILDING CODE APPEALS BOARD

Vice-Mayor King stated the next agenda item is the appointment of a member to the Building Code Appeals Board to fill the expiring term of Mr. Andrew Pressing whose term expires July 26, 2005. She noted the only application the Town has received is from Mr. George Zuurbier. Vice-Mayor King advised that Mr. Zuurbier is a professional engineer, and the Council has all seen his application. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to appoint Mr. George Zuurbier to the Building Code Appeals Board. 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: Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: PLANNED UNIT DEVELOPMENT – GLENHAVEN ASSOCIATES

Vice-Mayor King stated the next agenda item is to consider the recommendation of the Planning Commission regarding the request of Glenhaven Associates LLC for final approval of the plans for Phase I of a planned unit development to be known as “Chestnut Ridge” to be located on property on the west side of 11th Street between Mountain View Drive and Umberger Street in an R-2 Residential zone. She noted that Mr. Jim Willis would like to address the Council regarding this request, and noted the Council will hear from him at this time.

Mr. Jim Willis was recognized and stated he is attending the meeting to answer any questions. He noted he did not realize the request was going to be presented in this manner, but he will be glad to answer any questions about the development. Mr. Willis advised that they are planning a 15-unit development consisting of duplexes and triplexes on approximately 3.25 acres at the location described. He indicated that they think there is a real need for this type of development, and noted, in fact, on Saturday, two people approached him about buying them, and they have not started the project. Mr. Willis stated they have not advertised these units. He remarked that

these units seem to be very popular. He advised he would like to ask the Council's indulgence on this matter. Mr. Willis explained that all of the units are planned to be the same size, and the way they submitted their plans was that the triplex would be on one end, and then two duplexes. He noted they would like, if possible, to be able to move the triplex to the middle for balance, and also, depending on how the rocks lay, if they hit many rocks, he would like to construct the units with the least effort possible as far as blasting or hammering. Mr. Willis advised that with the ability to move that triplex from the end to the middle, they hope this will facilitate it a little. Town Manager Sutherland inquired if moving the triplex changes any setbacks, etc. Mr. Willis answered that it does not change the setbacks, and everything is the same. He noted that currently, the triplex is on the end, and the same setbacks, etc. apply. Mr. Willis explained that it is like moving a larger block and a smaller block, and they are just switching them. Councilman Weisiger inquired of Councilman Jones if he thought the Planning Commission would have any issues with moving the triplex. Councilman Jones stated the Planning Commission would not have an issue with moving the triplex. Councilman Weisiger indicated that he cannot see any reason why the triplex cannot be moved. Vice-Mayor King inquired if the Council members have any questions or comments for Mr. Willis. Mr. Willis indicated that at the Planning Commission meeting, there were some current issues about the trash on the lot. He explained that they have cleaned the lot to some degree, and they are tearing down the old house, and this is a mess sitting there, but it will be hauled off as soon as they can get the job finished. Vice-Mayor King stated that today she noticed that there are two chimneys standing. Mr. Willis noted it is an old house coming down, and advised that they found an old 22 pistol under the floor of the house, and he stated he would love to know the history of this. Vice-Mayor King stated that Ms. Peggy Kincer may be able to give him some information since she was born and raised there. Mr. Willis advised that the pistol was rusted, pitted, and beyond use. Vice-Mayor King thanked Mr. Willis for his comments. Mr. Willis stated that the Council has been given all of the information regarding the request. Vice-Mayor King noted that the Planning Commission has reviewed the matter and would recommend that the Town Council approve the request pending final technical compliance and adherence to certain stipulations, and they are listed in the Planning Commission recommendation. Vice-Mayor King inquired if there are others who wish to address the Council regarding this matter, and noted that there was no one else on the sign up sheet to speak. She inquired if Ms. Margaret Wampler desired to address the Council. Ms. Wampler declined to speak. Councilman Jones indicated that Ms. Wampler had a concern at the Planning Commission meeting, and noted he hopes that Mr. Willis and his staff would try to work with Ms. Wampler as best as they could to try to allay those concerns. Mr. Willis indicated that the day after the Planning Commission meeting, he started making arrangements to get the mess cleaned up, and noted he thinks they are working on the situation and heading in the correct direction. Vice-Mayor King inquired if Ms. Wampler is satisfied with what they have done with the property. Ms. Wampler advised that she is satisfied with the work that was done on their property. A motion was made by Councilman Jones and seconded by Councilman Weisiger that the Town Council accept the recommendation that the Planning Commission sent to the Town Council and that the Town Council approve the request of Glenhaven Associates LLC for final approval of the plans for Phase I of a planned unit development known as "Chestnut Ridge" to be located on property on the west side of 11th Street between Mountain View Drive and Umberger Street in an R-2 Residential zone pending final technical compliance and adherence to the following stipulations: (a) There is no indication on the plans of the areas to be conveyed or dedicated as parks, playgrounds, etc., however, the 40% open area requirement has been met; (b) Proof of ownership and/or options for the property should be submitted; (c) Plans and elevations (detailed architectural plans) to show the design of the individual units have not been submitted at this time, however, we understand that they are being designed and are available, and that each unit will be "customized," within limits, for the individual buyer; (d) Final agreements and covenants, which will govern the use, maintenance, and protection of the PUD

must be submitted to gain final technical compliance. (Examples from Glenhaven Townhomes have been submitted.); (e) Landscaping, if proposed, should be shown. The interest by the neighborhood in this project may necessitate that the developers provide some landscape screening. Staff would suggest that the large healthy existing trees be preserved for the open space areas where possible; (f) The distances between units, property setbacks, etc. should be shown or dimensioned; (g) Building Code issues, such as dwelling unit separation walls and fire resistance ratings of exterior walls, should be addressed by the Building Official prior to construction; (h) The use of municipal services desired and a "Memorandum of Understanding" relative to these services should be prepared. Since all units will front on existing streets, and services will be standard, this may not be necessary, however, some water line extension may be required for Phase II; (i) Final erosion and sediment control and stormwater management plans must be submitted and approved prior to final technical compliance; (j) The Planning Commission would also request that the Zoning Administrator and the Building Official ensure that the development adheres to all zoning regulations and technical requirements. 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: Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None. Mr. Willis inquired if the Council approved his request to move the triplex to the middle of the development. Councilmen Jones and Weisiger advised that is correct. Councilman Jones advised he is sure the Zoning Administrator and the Building Official will ensure that the development complies with the regulations.

RE: ADJOURNMENT

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

Jacqueline K. King, Vice-Mayor

Sharon P. Hackler, MMC, Clerk of Council

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