MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL HELD IN THE COUNCIL CHAMBERS ON MONDAY, NOVEMBER 27, 2006, 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, 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. Mayor Crewe advised that since there are no citizens attending the meeting, if the Council desired, they could dispense with the invocation and the Pledge of Allegiance. It was the consensus of the Council to dispense with the invocation and the Pledge of Allegiance.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of November 13, 2006. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger that the consent agenda consisting of the minutes of the regular meeting of November 13, 2006, be adopted. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: CITIZENS' PERIOD

Mayor Crewe noted the next agenda item is Citizens' Period. He advised that since no citizens are present to address the Council, he will move to the next agenda item.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The Council Committees will meet at their regularly scheduled day and time this week. Next week, there may be the potential, depending on Councilman Jones' schedule and if the Council is agreeable, that the Public Works Committee and Budget and Finance Committee may desire to switch meeting days, if possible. Town staff will confirm the meeting dates with the Committee members. Councilman Jones stated that he is almost positive, but he has not received the necessary information from Richmond.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Mayor Crewe noted the next agenda item is the Budget and Finance Committee report. A motion was made by Councilman Jones and seconded by Councilman Weisiger to dispense with the reading of the Budget and Finance Committee report and Public Works Committee report and for them to be entered into the record. Vice-Mayor King advised that there are two

recommendations in the report. Mayor Crewe stated there is a motion on the floor to accept the Committee reports as submitted. He 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. Mayor Crewe remarked that both Committee reports are now accepted.

Mayor Crewe advised that one of the recommendations is regarding the ordinance that will be considered later in the meeting.

Mayor Crewe noted that the Budget and Finance Committee has the motion that the Council authorize Town staff to execute documents to change the disability insurance to Shenandoah Life effective December 1, 2006. Mayor Crewe remarked that this needs to be voted on, and it is a Committee recommendation with a second. He 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.

Mayor Crewe indicated that on the Public Works Committee report, there are two items, both of which basically conclude with a recommendation, which he will take as a motion, that the Mayor be authorized to execute the documents, provided that they are acceptable to Town Attorney Kaase, for The Crown Companies' right of way on Tazewell Street, and the High Meadows' request for the revisions to the sewer easement. He inquired if there is any discussion on these two motions. There being none, the motions were 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 Manager Sutherland inquired of the Council to ask Town Attorney Kaase to perform this review in a timely fashion. Mayor Crewe indicated that he will take care of requesting Town Attorney Kaase to review these two items.

The Budget and Finance Committee report was entered into the record as follows:

Later this evening, the Council will consider an ordinance amending the Town's Personnel Regulations with regard to drug testing of prospective employees. The current Personnel Ordinance provides for the random drug testing of all of the Town's employees. The purpose of these random tests is to assure that the Town of Wytheville is providing a drug and alcohol free workplace. In today's environment, most employers are now also requiring prospective employees to submit to drug and alcohol testing. The revisions that will be considered this evening will require that all prospective employees submit to a drug and alcohol test. Prospective employees will only be asked to submit to a test once a conditional offer of employment has been extended and accepted. The offer of employment by the Town of Wytheville to the prospective employee is conditioned on the prospective employee testing negative for illegal substances. All expenses associated with the testing of the prospective employee will be borne by the Town. When this matter is considered later on the agenda, it would be the recommendation of the Budget and Finance Committee that the rules be suspended and that Ordinance Number 1206 be adopted on first and final reading.

Our committee reviewed a quotation that had been received on long term disability insurance for the Town's employees. Currently, the Town's coverage is with Companion Life, and effective September 1, the premium increased to $1.11 per $100 of payroll, or an annual cost of $48,447.96. A quotation has been received from Shenandoah Life, which provides the same

coverage as the employees currently have but the cost would be $.67 per $100 of payroll, or $29,493.96 per year. Changing insurance carriers would be a net savings to the Town of $18,954. Shenandoah Life has advised that even if the Town terminates their coverage with Companion Life, Companion Life would still be liable for all prior claims. Mike Atwood of Shenandoah Life has provided a letter stating that Companion Life must continue to pay ongoing claims that began while their policy was in force. Given that we can maintain the same coverage on our employees at a greatly reduced expense, it would be the recommendation of the Budget and Finance Committee that we authorize the Town's staff to execute documents that would place our disability insurance with Shenandoah Life effective December 1, 2006. A copy of the Budget and Finance Committee report is attached and made part of these minutes. (Attachment).

RE: PUBLIC WORKS COMMITTEE REPORT

The Public Works Committee report was entered into the record as follows:

Our Committee has received a request from The Crown Companies, LLC who are developing the property on the east side of North Fourth and Tazewell Streets. The subdivision plan that was approved by the Council several months ago provided for the relocation of a portion of Tazewell Street. In order to relocate this section of Tazewell Street, the right of way where the street is currently situated will need to be abandoned, and The Crown Companies will necessarily need to dedicate to the Town the land where the relocated Tazewell Street will be located. To accomplish these changes, Crown Developers will need to provide the Town with some form of surety that will assure that the improvements to the new section of Tazewell Street will be performed. In addition, there will be some period of time where the existing portion of Tazewell Street will continue to be utilized while the new section of Tazewell Street is being constructed. This will require an agreement by the developer providing that the Town can continue to use the old section of Tazewell Street until the new section of Tazewell Street is constructed and accepted by the Town. The Crown Companies, LLC has prepared a non-warranty deed for the portion of Tazewell Street that is to be abandoned and a subdivision plat depicting the right of way for the newly constructed portion of Tazewell Street. Our Engineering Department has reviewed these documents and finds them to be in order. It would be the recommendation of the Public Works Committee that the Mayor be authorized to execute these documents provided that they are acceptable to Town Attorney Kaase.

This past week, our Committee also received a request from High Meadows Associates, L.P. seeking certain revisions to an existing sewer easement across their property on East Main Street. This easement was acquired by the Town of Wytheville in 1977 for the purpose of installing a sewer line. The existing easement provides a metes and bounds description of the sewer line easement, but does not prescribe a specific width. The attorneys for High Meadows Associates, L.P. have concern that this existing easement does not have a specified width and, therefore, could have impact to the residual of the property. We agreed that a specified width would be acceptable, and our Engineering Department has suggested that we maintain a twenty foot wide easement. We suspect that there was no width specified in 1977 because of the probable need to relocate the line slightly because of problems with excavating rock for the ditch line. The attorneys for High Meadows Associates have prepared the documents needed to revise the easement providing for a specific width and, also, giving the Town all other rights it had in the existing easement. In addition, High Meadows Associates have agreed to provide the Town with an additional twenty foot easement on the northeastern boundary of the parcel. There is not currently a need for this section of easement, but it may be of benefit in the future. It would be the recommendation of the Public Works Committee that the Mayor be authorized to execute documents associated with revisions of this sewer easement, again provided that Town

Attorney Kaase concurs. A copy of the Public Works Committee report is attached and made part of these minutes. (Attachment).

RE: RESOLUTION – THOMAS A. BRALLEY, JR.

Mayor Crewe stated the next agenda item is to consider a resolution honoring Mr. Thomas A. "Tom" Bralley, Jr. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to adopt the resolution honoring Mr. Thomas A. "Tom" Bralley, Jr. 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.

Mayor Crewe inquired if the Town Council desired for him to contact Mrs. Joyce Bralley and deliver the resolution to her. Vice-Mayor King noted that this would be nice. Mayor Crewe remarked that he would be glad to deliver the resolution to Mrs. Bralley.

RE: ORDINANCE NO. 1206 – PERSONNEL ORDINANCE REVISION

Mayor Crewe stated the next agenda item is the consideration of Ordinance No. 1206, an ordinance amending and reenacting Ordinance No. 1028, generally known as Personnel Rules, Regulations, and Policies, of the Town of Wytheville, Virginia, so as to include revisions to Section 2.4, Hiring, of the Ordinance, on first reading. He noted this comes to the Council from the Budget and Finance Committee with a motion that it be adopted on first and final reading. Mayor Crewe explained that this would add drug and alcohol testing prior to the commencement of employment, which would be in addition to the random sampling that the Town is currently doing. A motion was made by Vice-Mayor King and seconded by Councilman Jones to suspend the rules and adopt Ordinance No. 1206, an ordinance amending and reenacting Ordinance No. 1028, generally known as Personnel Rules, Regulations, and Policies, of the Town of Wytheville, Virginia, so as to include revisions to Section 2.4, Hiring, of the Ordinance on first and final reading. 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
ABSTENTIONS:	None

Ordinance No. 1206 was adopted on first and final reading.

RE: APPOINTMENTS – WYTHEVILLE INDUSTRIAL DEVELOPMENT AUTHORITY

Mayor Crewe stated the next agenda item is the appointments to the Wytheville Industrial Development Authority to fill two unexpired terms created by member vacancies whose terms expire December 12, 2008; the expired terms of Mr. Tom Green and Mr. Steve Irvin whose terms expired December 12, 2005; and the expiring term of Mr. William H. Mutschler, Jr. whose term expires December 12, 2006. He noted that the Council has five applications in the package, and when the Council arrived at the meeting, they found Mr. Frankie Scott's application at their seats. A motion was made by Vice-Mayor King to appoint Elizabeth "Betty"

Irvin, Lisa Lester, Cheryl Shaver, Kathryn White, and Susan Wisman to the Wytheville Industrial Development Authority. Councilman Weisiger indicated that he understands that two of these applicants work together. Vice-Mayor King advised that is correct. She indicated that the Council has tried for one year to find people to serve on the Authority, and noted that she begged these people to serve. Councilman Weisiger inquired if it would be a problem if two of the applicants work together to be able to attend the meeting. Councilman Jones advised that he did not see any problems. Vice-Mayor King noted that she did not see any problems with them attending the meeting, and pointed out that the Authority holds one meeting a year in January and inquired of Town Manager Sutherland if that is correct. Town Manager Sutherland stated that is correct. Vice-Mayor King indicated that there is nothing for the Authority members to discuss and inquired of Town Manager Sutherland if that is correct. Town Manager Sutherland answered that is correct. Mayor Crewe advised that the Council will also need to allocate which members will receive the unexpired terms and which ones will receive the expired terms, and advised that they can do it as part of this motion or separately. He noted that there are unexpired terms for Mr. Jimmy Smith and Ms. Nancy Hawk that end in December 2008. Mayor Crewe inquired if they are one year terms and if that is correct. Town Clerk Hackler advised that these are four year terms. Mayor Crewe explained that the Council needs to pick two members that will go only for another two years to December 2008. Councilman Jones advised that the first two could serve for two years. Vice-Mayor King remarked that Ms. Kathy White would be one that would serve a two year term, and Ms. Betty Irvin could serve a two year term expiring in 2008. Mayor Crewe noted that the motion is to nominate Ms. Betty Irvin for the term expiring December 12, 2008, and Ms. Kathy White for the term expiring December 12, 2008. He remarked he would guess that Mr. Tom Green's and Mr. Steve Irvin's term would expire in December 2009, and the other one would expire in December 2010. Town Clerk Hackler advised that is correct. Mayor Crewe noted that the Council has two of the members' terms that will expire in 2008, and the Council needs two that expire in December 2009, and one that would expire in December 2010. Vice-Mayor King stated that Ms. Cheryl Shaver could serve the term that would expire in December 2010. She remarked that Lisa Lister and Susan Wisman would serve the terms that expire in December 2009. Mayor Crewe advised that if he is understanding the motion that Vice-Mayor King just made, it would be to nominate Betty Irvin for a term expiring in December 2008, Kathy White for a term expiring in December 2008, Lisa Lester for a term expiring in December 2009, Susan Wisman for a term expiring in December 2009, and Cheryl Shaver for a term expiring in December 2010. Vice-Mayor King advised that is correct. Mayor Crewe inquired if there is a second to this motion. The motion was seconded by Councilman Jones. 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: DISPENSING WITH DECEMBER MEETING

Mayor Crewe stated the next agenda item is to consider dispensing with the meeting of December 25, 2006, due to the Christmas holiday. He inquired if anyone is opposed to dispensing with the Christmas Day meeting. There being no opposition, it was the consensus of the Council to dispense with the December 25, 2006, Council meeting.

RE: CHRISTMAS LIGHTS

Vice-Mayor King noted that Withers Park looks beautiful. Mayor Crewe stated the Christmas lights also look good on Main Street. Vice-Mayor King advised that downtown Wytheville looks beautiful, too.

RE: CHRISTMAS PARADE

Mayor Crewe stated the Christmas Parade is on Saturday, December 2, 2006. Vice-Mayor King inquired if Councilman Weisiger is going to ride in the Christmas parade at 5:00 p.m. Councilman Weisiger noted that he was wondering if the Council is going to ride in the parade. Vice-Mayor King advised that the Council has a beautiful float. Mayor Crewe indicated that Town crews have constructed a miniature house. Councilman Weisiger noted that he may not be able to ride on the float if he is out of town, but, if he is in town, he will ride the float. Councilman Weisiger stated he is rather sure he will be out of town and will probably not be able to ride the float. Vice-Mayor King stated that Mr. Tommy Seagle constructed a white house with a chimney, and smoke comes out the chimney. She noted it has windows with candles in them. Mayor Crewe advised that the float has a Christmas tree on it.

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.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

G:\COUNCIL\Minutes\2006\Council Minutes 112706.doc

BACK

BUDGET AND FINANCE COMMITTEE REPORT

NOVEMBER 27, 2006

1. Later this evening, the Council will consider an ordinance amending the Town's Personnel Regulations with regard to drug testing of prospective employees. The current Personnel Ordinance provides for the random drug testing of all of the Town's employees. The purpose of these random tests is to assure that the Town of Wytheville is providing a drug and alcohol free workplace. In today's environment, most employers are now also requiring prospective employees to submit to drug and alcohol testing. The revisions that will be considered this evening will require that all prospective employees submit to a drug and alcohol test. Prospective employees will only be asked to submit to a test once a conditional offer of employment has been extended and accepted. The offer of employment by the Town of Wytheville to the prospective employee is conditioned on the prospective employee testing negative for illegal substances. All expenses associated with the testing of the prospective employee will be borne by the Town.

   When this matter is considered later on the agenda, it would be the recommendation of the Budget and Finance Committee that the rules be suspended and that Ordinance Number 1206 be adopted on first and final reading.

2. Our committee reviewed a quotation that had been received on long term disability insurance for the Town's employees. Currently, the Town's coverage is with Companion Life, and effective September 1, the premium increased to $1.11 per $100 of payroll, or an annual cost of $48,447.96. A quotation has been received from Shenandoah Life, which provides the same coverage as the employees currently have but the cost would be $.67 per $100 of payroll, or $29,493.96 per year. Changing insurance carriers would be a net savings to the Town of $18,954. Shenandoah Life has advised that even if the Town terminates their coverage with Companion Life, Companion Life would still be liable for all prior claims. Mike Atwood of Shenandoah Life has provided a letter stating that Companion Life must continue to pay ongoing claims that began while their policy was in force. Given that we can maintain the same coverage on our employees at a greatly reduced expense, it would be the recommendation of the Budget and Finance Committee that we authorize the Town's staff to execute documents that would place our disability insurance with Shenandoah Life effective December 1, 2006.

Jacqueline K. King

John W. Jones, Jr.

H:\COUNCIL\BFCOMMIT.RPT\2006\BFNOV27.doc

BACK

PUBLIC WORKS COMMITTEE REPORT

NOVEMBER 27, 2006

1. Our Committee has received a request from The Crown Companies, LLC who are developing the property on the east side of North Fourth and Tazewell Streets. The subdivision plan that was approved by the Council several months ago provided for the relocation of a portion of Tazewell Street. In order to relocate this section of Tazewell Street, the right of way where the street is currently situated will need to be abandoned, and The Crown Companies will necessarily need to dedicate to the Town the land where the relocated Tazewell Street will be located. To accomplish these changes, Crown Developers will need to provide the Town with some form of surety that will assure that the improvements to the new section of Tazewell Street will be performed. In addition, there will be some period of time where the existing portion of Tazewell Street will continue to be utilized while the new section of Tazewell Street is being constructed. This will require an agreement by the developer providing that the Town can continue to use the old section of Tazewell Street until the new section of Tazewell Street is constructed and accepted by the Town. The Crown Companies, LLC has prepared a non-warranty deed for the portion of Tazewell Street that is to be abandoned and a subdivision plat depicting the right of way for the newly constructed portion of Tazewell Street. Our Engineering Department has reviewed these documents and finds them to be in order. It would be the recommendation of the Public Works Committee that the Mayor be

authorized to execute these documents provided that they are acceptable to Town Attorney Kaase.

2. This past week, our Committee also received a request from High Meadows Associates, L.P. seeking certain revisions to an existing sewer easement across their property on East Main Street. This easement was acquired by the Town of Wytheville in 1977 for the purpose of installing a sewer line. The existing easement provides a metes and bounds description of the sewer line easement, but does not prescribe a specific width. The attorneys for High Meadows Associates, L.P. have concern that this existing easement does not have a specified width and, therefore, could have impact to the residual of the property. We agreed that a specified width would be acceptable, and our Engineering Department has suggested that we maintain a twenty foot wide easement. We suspect that there was no width specified in 1977 because of the probable need to relocate the line slightly because of problems with excavating rock for the ditch line. The attorneys for High Meadows Associates have prepared the documents needed to revise the easement providing for a specific width and, also, giving the Town all other rights it had in the existing easement. In addition, High Meadows Associates have agreed to provide the Town with an additional twenty foot easement on the northeastern boundary of the parcel. There is not currently a need for this section of easement, but it may be of benefit in the future. It would be the recommendation of the Public Works Committee that the Mayor be

authorized to execute documents associated with revisions of this sewer easement, again provided that Town Attorney Kaase concurs.

William B. Weisiger

H. Judson Lambert

H:\COUNCIL\PWCOMMIT.RPT\2006\PWNOV27.doc

BACK