

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, MAY 12, 2008, 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 John Humphrey, Wayne Quesenberry with *Wytheville Enterprise*, Agnes Eades

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 Lambert followed by the Pledge of Allegiance led by Councilman Weisiger.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of April 28, 2008, and the request of the Wytheville Lions Club for waiver of business license fees and inspection fees for the annual charity carnival to be held July 14 through 19, 2008. Mayor Crewe noted that another request is from District Three Senior Services for waiver of fees for use of the Community Center. Councilman Weisiger inquired as to which Community Center the District Three Senior Services is requesting for waiver of fees. Mayor Crewe stated they are requesting waiver of fees for use of the Elizabeth Brown Park on May 29, 2008, from 10:00 a.m. to 3:30 p.m. He stated he apologized, and he misspoke. Mayor Crewe noted the request is for the purpose of raising funds for the Bland Mission to purchase materials for home repairs for the elderly of Wytheville, and this is where the proceeds will be donated, if he is reading it correctly. A motion was made by Councilman Lambert and seconded by Vice-Mayor King to approve the consent agenda consisting of the minutes of the regular meeting of April 28, 2008, the request of the Wytheville Lions Club for waiver of business license fees and inspection fees for the annual charity carnival to be held July 14 through 19, 2008, and the request of District Three Senior Services for waiver of fee for use of the Elizabeth Brown Park on May 29, 2008. Mayor Crewe inquired if there is any discussion on the motion. Councilman Jones stated he would like to abstain from voting on the request of the Wytheville Lions Club. 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, H. Judson Lambert. Against: None. Abstentions: Councilman Jones abstained from voting on the request of the Wytheville Lions Club.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period. He inquired if there are persons present who wished to address the Town 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. Both Committees will meet on their regular day and time this week. Next week, the Public Works Committee will meet on Tuesday, and the Budget and Finance Committee will meet on Wednesday, May 21, 2008.
2. Several of the Council have received comments and inquiries from citizens who have heard some type of rumor about on the local transit bus that services were going to be curtailed or something was going to change. Town staff has tried to track this matter, and the only discussion District Three has had with any of their drivers is questions regarding how efficiency of the bus routes could be improved, not about curtailing any kind of services. Funds for District Three are in the budget, so there are no plans to revise any budgetary numbers for District Three. District Three has assured the Town that if there is any kind of change going to happen, they would consult the Town before they would take any kind of action. Vice-Mayor King inquired if District Three is going to talk to their drivers. Town Manager Sutherland advised that District Three has talked to the drivers. Mayor Crewe stated that they have talked to the drivers and also sent out a

memo that he sent to Assistant Town Manager Moore, and he has seen the memo. He advised he heard this from two more people after they heard it last week. Mayor Crewe remarked that he has not been able to identify the driver or drivers who are doing this, but Assistant Town Manager Moore has been good enough to contact Mr. Dave Richardson with District Three who has sent out rather forcefully worded memos that state for them to quit spreading the rumors and it is not going to happen. Vice-Mayor King advised it is a shame that District Three has all of these people upset over this. Councilman Weisiger inquired if it is a driver stating these rumors. Town Manager Sutherland noted that it is District Three's staff. Mayor Crewe noted that the people who have reported to him have been told by a driver, and, in fact, they were told to attend this Council meeting if they wanted to keep the bus service or they would lose it, but they did not come to the Council meeting. Councilman Weisiger stated there is a District Three meeting this Thursday, and if there is anything at all behind the rumors, he will let the Council know. He advised that he has not heard anything, but he would think he would know something if anything is going to change. Town Manager Sutherland pointed out that, apparently, District Three has not heard anything either, but it is just one of those things that got started. Mayor Crewe advised that since these rumors have started, they have taken on a life of their own. He stated that maybe a word to the wise will be sufficient.

3. Mayor Crewe stated he received a letter from Ms. Jean Lester, on behalf of Relay for Life, which is addressed to him and the Town employees, thanking the Town for its generous contribution to the Relay for Life, which was held a couple of weeks ago. He advised that the letter continued to state that the volunteers are very important in making Wythe County an outstanding participant in this national event. Mayor Crewe noted that Relay for Life raised over \$192,000, so far, and they are still counting. He advised that if anyone would like to see the letter, he would be glad to share it with them.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, reported that in the budget development schedule for fiscal year 2008-2009, the Council had tentatively scheduled the first reading of the budget for this meeting. He noted the Committee continues to work on the budget for the upcoming year, and, currently, it is not ready for consideration on first reading. Councilman Jones advised that after the Council meeting this evening, the Council will hold a brief work session to consider various components within the proposed budget. He explained that having said this, this means the first reading of the budget will be at the next meeting of Council with the public hearing and second reading of the budget to be at the first meeting in June and with consideration of the budget in final form at the June 23rd meeting. Councilman Jones stated the Committee thought it may be helpful to give an overview of the discussion points for the proposed budget. He advised that over the past number of years, expenses for operations and personnel have continued to escalate. Councilman Jones noted that, certainly, inflation is a component of these growing expenses, though the growth of expenses also reflects expenses associated with the many services the Town has provided to the community in recent years. He stated that while there has been some growth in revenues, they have not kept pace with the growing expenditures within the budget. Councilman Jones explained that for the past couple of years, the Council has utilized reserve funds in balancing the budget. He stated the Committee believes this is a trend that must be reversed in that revenues received should pay for all operational and personnel expenses without the infusion of reserve funds into these normal operating expenditures. Councilman Jones indicated that while there are reserve funds available for capital outlay projects, and the Committee realizes that there are certain capital outlay needs, the Committee does not believe that reserve funds should be a part of the operational expenditures. He stated that when the Council reviews the budget later in the meeting, the Committee will provide a draft that balances the budget using only revenues on hand, with proposals to expend certain reserve funds for capital outlay projects. Councilman Jones advised that in any event, the Committee did want everyone to be aware that they are continuing the budget discussions, but they also wanted to assure everyone that the Town remains in sound financial condition, and the Council's efforts in controlling the budget figures is a necessary step that the Town and all other governments in Virginia are taking. Mayor Crewe stated he received today, and forwarded on to all the Council members, a summary from Virginia Municipal League of Governor Kaine's proposed transportation plan, and it basically consists of raising the fees for titling fees on cars, dedicating some of the insurance proceeds licensing insurance companies pay, and two or three other things, but he cannot recall them. He indicated that on the face of it, the way he read it, it does not show any cuts in anything the Town is doing, but it does show more money going into maintenance, which may help the Town in the long run. He summarized that he sent the Council members the summary that Governor Kaine released today, and Governor Kaine is making town meetings around the State to expound upon what he is proposing. Mayor Crewe noted that this will be before the Legislature

on June 23, but this could, obviously, impact the Town's budget depending on what else happens. Councilman Jones stated that Morgan Griffith stated it is dead on arrival. Mayor Crewe noted he thinks it is going to be a tough negotiation, but everyone is determined, and it does not appear there is going to be a meeting of the minds. He stated that maybe the State is more preserved and more evolved, and this will get somewhere.

Councilman Jones also reported that over the past two years, representatives from Wythe County, the Town of Wytheville, and the Town of Rural Retreat have worked diligently in developing a new Emergency Operations Plan. He explained that this plan is required by State law, and its purpose is to develop operational procedures that would be invoked in the event of an emergency, whether it be natural or a man made disaster. He stated that since the tragic events on September 11, 2001, all communities take very seriously the need to have up to date emergency operation procedures. Councilman Jones indicated that the plan has been reviewed and approved by the Commonwealth of Virginia and was subsequently approved by the Wythe County Board of Supervisors at their last meeting. He noted it is necessary that the Town approve and adopt these emergency operation procedures also. Councilman Jones stated that in the event there is an emergency declared, Wytheville, as a child of Wythe County, will be under the County's Emergency Operations Plan. Councilman Jones indicated that it would be the recommendation of the Budget and Finance Committee that the Council adopt the Wythe County Emergency Operations Plan and direct that it be used in the event that an emergency is declared. A motion was made by Councilman Jones and seconded by Vice-Mayor King that the Council adopt the Wythe County Emergency Operations Plan and direct that it be used in the event that an emergency is declared. 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. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Lambert, reporting for the Public Works Committee, reported that the Committee has received an inquiry from a citizen suggesting that lane markings on North Fourth Street between Holston Road and Fairview Road be revised. He stated that for vehicular traffic proceeding north on Fourth Street after passing Holston Road, there are two through lanes that converge into a single lane just beyond Fairview Road. Councilman Lambert remarked that the suggestion for lane markings would be for the left hand lane to be designated as straight through while the right hand lane would be designated for right turns only. He explained that as vehicles approach the Fairview Road area, there is some confusion because the two lanes transition into one. Councilman Lambert stated the Committee agrees that this revision would facilitate the flow of traffic in this area, and it would be the recommendation of the Public Works Committee that the Town install the lane markings as previously described. Mayor Crewe indicated that he knows both Committees discussed this matter. Mayor Crewe inquired if there is any resistance or opposition to installing the markings as the Committee suggested. Councilman Jones stated he thought it was a good idea. It was the consensus of the Town Council to install lane markings on North Fourth Street between Holston Road and Fairview Road so the left hand lane would be designated as straight through while the right hand lane would be designated for right turns only. Mayor Crewe noted that the Council approved the recommendation of the Public Works Committee and will request the Public Works Department to proceed with the lane markings.

Councilman Lambert also reported that the speed limit on Nye Road from the corporate limit line northwestwardly to Peppers Ferry Road is currently designated as 35 miles per hour. He pointed out that this section of roadway has ample sight distance, and the geometrics of the roadway are good. Councilman Lambert stated the Committee believes that this road could accommodate an increased speed limit over the majority of this section of roadway. He noted that the Committee believes that it is reasonable to increase the speed limit on Nye Road from the corporate limits northwestwardly to a point near the Best Western Hotel to 45 miles per hour and then leave the 35 miles per hour designation for the remainder of the roadway. Councilman Lambert noted that to accommodate this change in speed limit, the Town will necessarily need to ask the Virginia Department of Transportation to conduct a speed study. He advised that it would be the recommendation of the Public Works Committee that the Council request the Virginia Department of Transportation to conduct a speed study on Nye Road to determine the feasibility of increasing the speed limit over the portion described to 45 miles per hour. Mayor Crewe inquired if there is any opposition to making the request for VDOT to perform the feasibility study. Councilman Jones noted that there is no opposition. It was the consensus of the Town Council to approve the recommendation and ask Town staff to proceed with requesting the Virginia Department of Transportation to perform the feasibility study to increase the speed limit on Nye Road from the corporate limits northwestwardly to a point near the Best Western Hotel to 45 miles per hour and then leave the 35 miles per hour designation for the

remainder of the roadway. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PLANNING COMMISSION RECOMMENDATIONS -- UMBERGER REZONING, MANUEL SPECIAL EXCEPTION PERMIT, TOWNHOUSE REGULATIONS AMENDMENTS

Mayor Crewe stated the next agenda items are to consider the recommendations from the Planning Commission regarding the request of Patrick Umberger to rezone a portion of property located at 2045 West Lee Highway, which is located on the south side of West Lee Highway between West End Cemetery and Petunia Road, from R-1 Residential to B-2 Business; the request of Patricia R. Manuel for a special exception permit to maintain horses on property located at 190 Hillcrest Road, which is located on the north side of Hillcrest Road between Cove Road and Great Oaks Road, in an R-2 Residential District; and regarding the revisions to Article XVIII, Townhouses, of the Town of Wytheville Zoning Ordinance. He advised that these are all issues that were considered by the Planning Commission at their meeting last week. Mayor Crewe pointed out that all of these will require a public hearing, which can be scheduled for June 9, 2008, for all three items. A motion was made by Councilman Jones and seconded by Councilman Weisiger to set a public hearing for the June 9, 2008, Town Council meeting to consider the request of Patrick Umberger to rezone a portion of property located at 2045 West Lee Highway, which is located on the south side of West Lee Highway between West End Cemetery and Petunia Road, from R-1 Residential to B-2 Business; the request of Patricia R. Manuel for a special exception permit to maintain horses on property located at 190 Hillcrest Road, which is located on the north side of Hillcrest Road between Cove Road and Great Oaks Road, in an R-2 Residential District; and regarding the revisions to Article XVIII, Townhouses, of the Town of Wytheville Zoning Ordinance. 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: WYTHEVILLE COMMUNITY COLLEGE GRADUATION

Mayor Crewe stated he would commend the staff at the Wytheville Meeting Center. He noted he has heard from several people, and also saw the e-mail that probably the other Council members saw, that the new Meeting Center was at, and actually beyond at times he is sure, the capacity with all the activities from Wytheville Community College's graduation this weekend. Mayor Crewe noted from all reports he has seen, everything went well, and everyone made out fine. He congratulated everyone involved in this.

RE: WYTHE COUNTY FENCE ORDINANCE

Mayor Crewe noted that he would point out to the Council as a matter of information so the Council can keep up with it, if they are interested, and he is unsure how it will affect the Town, but the County has a public hearing scheduled tomorrow or next Tuesday, and noted he cannot recall, but thinks it is tomorrow, on a proposal to repeal the Wythe County fence ordinance. He noted the Council members can look at it and see, but, basically, right now Wythe County's ordinance recognizes a boundary line as a legal fence so that the effect of this would be that if he has cattle, he has to fence the cattle in on his property to keep them off his neighbor's property. Mayor Crewe stated that if this law is repealed, it will go back to the way it was in the Jamestown days, which is the way the Virginia statute is, and the person without animals would be required to fence the animals out of his property. He explained that who has to build the fence would switch. Mayor Crewe noted he is not sure what this would mean for the Town. Councilman Weisiger noted that this does not seem right. Mayor Crewe indicated that it is a puzzle, and the best explanation he has heard is that in Jamestown days, there were a lot of animals, and not many tobacco fields, and the law was that if he had tobacco, he would have to fence his tobacco to keep the animals out of his tobacco crop. He noted this is what the law has always been in Virginia, and there are only about eight states that still have that kind of law, and the person has to fence out the animals. Mayor Crewe stated Wythe County passed a law stating that the boundary line is a legal fence, so he can fence out the animals drawing a line on his property line stating there is the property line without a real fence. Vice-Mayor King inquired if this would be without a fence. Mayor Crewe stated that is correct. Vice-Mayor King stated that this does not make sense. Mayor Crewe explained that if he and Vice-Mayor King live next door, under the current law, and noted that Town Attorney Kaase can state anything anytime he wants to if he wants to opine, but if they live next door to each other, and Vice-Mayor King has cows on her side of the fence, she has got to build a fence, and she has to fence her animals in on her side. Mayor Crewe indicated that if he does not have any animals on his side, he does not have to build any fence. Vice-Mayor King noted that makes sense. Mayor Crewe noted that if he ever puts an animal on his side of the fence, then Vice-Mayor King could collect half of the fence from him because he would now be using her fence. Mayor Crewe continued that if he

does not have any livestock, he is not required to build a physical fence. Councilman Lambert inquired if this is the present law as he understands it. Mayor Crewe stated this is generating some discussion, and he does not think this would override anything in the town, but the Town does not have anything similar as he is aware. Town Manager Sutherland stated that the Town has no regulations like that. Mayor Crewe stated that the Town has the agricultural zones. Councilman Jones remarked that it sounds like some people may be collecting some cattle of their own. Mayor Crewe noted there have been cattle in Wythe County for years and years, but advised that the Council could watch this matter for development. He stated he was just heightening the Council's awareness of this.

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

BUDGET AND FINANCE COMMITTEE REPORT

MAY 12, 2008

1. In the budget development schedule for fiscal year 2008-2009, we had tentatively scheduled the first reading of the budget for this evening. We continue to work on the budget for the upcoming year, and, currently, it is not ready for consideration on first reading. After the Council meeting this evening, we will hold a brief work session to consider various components within the proposed budget. Having said this, this means that the first reading of the budget will be at the next meeting of Council with the public hearing and second reading of the budget to be at the first meeting in June and with consideration of the budget in final form at the June 23rd meeting.

We thought it may be helpful to give an overview of the discussion points for the proposed budget. Over the past number of years, expenses for operations and personnel have continued to escalate. Certainly, inflation is a component of these growing expenses, though the growth of expenses also reflects expenses associated with the many services that we have provided to the community in recent years. While there has been some growth in revenues, they have not kept pace with the growing expenditures within the budget. For the past couple of years, we have utilized reserve funds in balancing the budget. We believe that this is a trend that must be reversed in that revenues received should pay for all operational and personnel expenses without the infusion of reserve funds into these normal operating expenditures. While there are reserve funds available for capital outlay projects, and we realize that there are certain capital outlay needs, we do not

believe that reserve funds should be a part of our operational expenditures. When we review the budget later this evening, we will provide a draft that balances the budget using only revenues on hand, with proposals to expend certain reserve funds for capital outlay projects.

In any event, we did want everyone to be aware that we are continuing our budget discussions, but we also wanted to assure everyone that the Town remains in sound financial condition, and our effort in controlling the budget figures is a necessary step that we and all other governments in Virginia are taking.

2. Over the past two years, representatives from Wythe County, the Town of Wytheville, and the Town of Rural Retreat have worked diligently in developing a new Emergency Operations Plan. This plan is required by State law, and its purpose is to develop operational procedures that would be invoked in the event of an emergency, whether it be natural or a man made disaster. Since the tragic events on September 11, 2001, all communities take very seriously the need to have up to date emergency operation procedures. The plan has been reviewed and approved by the Commonwealth of Virginia and was subsequently approved by the Wythe County Board of Supervisors at their last meeting. It is necessary that the Town approve and adopt these emergency operation procedures also. In the event that there is an emergency declared, Wytheville, as a child of Wythe County, will be under the County's Emergency Operations Plan. It would be the recommendation of the Budget and Finance Committee that we adopt the Wythe County Emergency Operations Plan and direct that it be used in the event that an emergency is

declared.

Jacqueline K. King

John W. Jones, Jr.

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PUBLIC WORKS COMMITTEE REPORT

MAY 12, 2008

1. The Committee has received an inquiry from a citizen suggesting that lane markings on North Fourth Street between Holston Road and Fairview Road be revised. For vehicular traffic proceeding north on Fourth Street after passing Holston Road, there are two through lanes that converge into a single lane just beyond Fairview Road. The suggestion for lane markings would be for the left hand lane to be designated as straight through while the right hand lane would be designated for right turns only. As vehicles approach the Fairview Road area, there is some confusion because the two lanes transition into one. We agree that this revision would facilitate the flow of traffic in this area, and it would be the recommendation of the Public Works Committee that we install the lane markings as previously described.
2. The speed limit on Nye Road from the corporate limit line northwestwardly to Peppers Ferry Road is currently designated as 35 miles per hour. This section of roadway has ample sight distance, and the geometrics of the roadway are good. We believe that this road could accommodate an increased speed limit over the majority of this section of roadway. We believe that it is reasonable to increase the speed limit on Nye Road from the corporate limits northwestwardly to a point near the Best Western Hotel to 45 miles per hour and then leave the 35 miles per hour designation for the remainder of the roadway. To accommodate this change in speed limit, we

will necessarily need to ask the Virginia Department of Transportation to conduct a speed study. It would be the recommendation of the Public Works Committee that we request the Virginia Department of Transportation to conduct a speed study on Nye Road to determine the feasibility of increasing the speed limit over the portion described to 45 miles per hour.

William B. Weisiger

H. Judson Lambert

**MINUTES OF THE WORK SESSION OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, MAY 12, 2008, AT 7:15 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 Treasurer Michael G. Stephens, Wayne Quesenberry with *Wytheville Enterprise*

RE: 2008-09 BUDGET WORK SESSION

Mayor Crewe called the work session to order. He stated the purpose of the meeting is to discuss the revenues and appropriations in the proposed budget for the Town of Wytheville for fiscal year 2008-09. Mayor Crewe requested Town Manager Sutherland and Town Treasurer Michael Stephens to review the proposed revenues and appropriations. There was no action taken in regard to the proposed budget.

RE: ADJOURNMENT

There being no further business, the work session was adjourned (7:45 P.M.).

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Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council