

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, FEBRUARY 8, 2010, 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, Police Officer Chris Irvin, Danny Gordon with WYVE/WXBX, Mark Boenke

RE: CALL TO ORDER, QUORUM, PLEDGE

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

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of January 25, 2010, and the request of the Wythe County Technology Center for issuance of a raffle permit for 2010. A motion was made by Councilman Weisiger and seconded by Councilman Jones to approve the consent agenda consisting of the minutes of the regular meeting of January 25, 2010, and the request of the Wythe County Technology Center for issuance of a raffle permit for 2010. 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 stated the next agenda item is Citizens' Period. He advised that Mr. Mark Boenke has advised he would like to address the Council. Mr. Boenke was recognized and stated that he wanted to comment on the snow removal for these past three storms. He stated he wanted to thank the Town employees and everyone who is putting forth the effort in removing the snow. Mr. Boenke advised that as a past experience of his with winter management and snow removal, it is not an easy task. He remarked that he commends the Town for doing this. Mr. Boenke indicated that he does have a couple of questions in trying to better understand the Town's policies and procedures in snow removal. He advised he is assuming that there are dedicated snow routes, and that essential streets are plowed first and then the non-essential streets are plowed. Mr. Boenke inquired if there is any timeframe as far as what he would term clean up begins, such as when turn lanes get cleaned out, things get pushed back, and the non-essential streets are supposed to be cleaned. Town Manager Sutherland answered that the timeline is as soon as the Town can do it because the Town employees did that all day today and will continue tomorrow because there is going to be a new storm event tonight and tomorrow. Mayor Crewe indicated that the other issue is it has gotten to the point now that there is limited space to push the snow, and it has to be hauled off, and that is a whole different issue. Mr. Boenke stated he could see this over the three storms, and the town has not had this kind of a winter since he has lived here, which has been 10 years. He noted he thinks a lot of the Town staff is not used to plowing, and this is generally new. Mr. Boenke pointed out that it is progressively getting better. Vice-Mayor King noted she thinks it came so fast. Town Manager Sutherland advised that the Public Works Committee was going to talk about this at their meeting in the morning. He explained that there are situations around town where it is virtually impossible to plow. Town Manager Sutherland pointed out that there are cars parking within proximity to intersections, and there are cars parked on both sides of the street. He noted that just beyond Councilman Jones' house on First Street, cars are parked on both sides of the street. Town Manager Sutherland indicated that the Town has plowed through, and he bets the open pavement is maybe eight feet. He remarked that he thinks in a big storm event, there are going to have to be some rules just like northern communities have where people have to park on one side of the street, stay off the street, and the Town is going to have to enforce their snow routes. Town Manager Sutherland stated the Town has snow routes designated and there should be tow zones. He explained if it snows and someone is parked in these routes, they are going to be towed. Mr. Boenke advised that he was just curious to know because not that he gets out and plays in it all the time and drives around on the streets, but he was just curious. He noted he has heard rumors that the Town is out of budget money, no one is working on Sundays, the town is out of salt, and the slush is on the road and inquired why is it not plowed off, etc. Mr. Boenke remarked that he was not trying to state the Town is not doing their job

because he thinks the Town does a great job with what needs to be done, but his comments were just more for his understanding as to if there are any timeframes because he knows when he worked the interstate, they had 24 hours after an event that everything had to be cleaned up and they had to be done. Mr. Boenke reiterated that he did not know if the Town had such policies and procedures or if they were thinking about it. He summarized that he was just curious more than anything. Town Manager Sutherland advised that it just depends on the Town's resources. He noted that in the Town's case, they have not had such a big snow in years, and much of the Town's equipment has been downsized to smaller trucks instead of the big dump trucks, which the Town always had. Town Manager Sutherland advised that the Town does not have the same resources they used to have. Mayor Crewe stated the Town also has to coordinate certain streets that VDOT has now such as some of the main streets, like Main Street, that VDOT is supposed to be doing, and some of it has and has not happened the way it is supposed to. He advised that when Mr. Boenke commented on the salt and said something about the salt, that is a ticklish issue because salt is now on an allocation. Mayor Crewe explained that a locality has difficulty getting it because it has become such a scarce commodity, and if a locality had all the money in the world, it would not be able to buy all the salt it wanted. He stated the Town has to take its allocation, and they have done fairly well with it, and they are trying to use it wisely and not waste it. Mayor Crewe advised that this is becoming an issue, too, because of the winter being so bad and everyone is using all the salt they have. He pointed out that the budget is an issue, and the Council will probably hear in the morning, he would suspect, that they are over budget currently for snow removal. Mayor Crewe stated it does not make any difference because the Town has to perform snow removal, and the money will come from some place. He remarked that he has not looked at the numbers, and they may be rather close, but it is not going to make any difference in getting the snow removed because it has to be done, and something else will have to give. Vice-Mayor King advised that she was in Christiansburg on Thursday, and VDOT had the truck with a liquid being put on the roads. Mr. Boenke advised that it is calcium chloride. Vice-Mayor King remarked that on the interstate, VDOT was doing the same thing on both sides of the interstate. Mayor Crewe advised it is to keep the snow from sticking to the asphalt. Vice-Mayor King noted that when they got to Wythe County, there was not a thing. Mr. Boenke remarked that it is different maintenance contracts. Mayor Crewe pointed out that it is not VDOT but it is TNE Enterprises. Town Manager Sutherland advised that it is also in a different highway district. Vice-Mayor King stated that coming out of Christiansburg, there was a big board to tell travelers that there was a winter storm warning, and this was in the Town of Christiansburg coming back out to the interstate, and then they had it along the interstate. Mayor Crewe remarked that he will share with everyone one that frustrated him on the Saturday before last at 2:00 a.m. He noted that all of the Council knows that his mother-in-law passed away, but she was in intensive care that night, and at 2:00 a.m. in the morning on Saturday during the teeth of that storm, they got a call from the hospital telling them that they needed to come to the hospital. Mayor Crewe noted that they left Wytheville at 2:30 a.m. in the morning during that blizzard, and he saw a bunch of snow plows on the southbound side of I-81, and on the northbound side of I-81, the only two plows he saw were sitting on the ramp going out of town where a person can either go north or south, and they were not even on the road, and they were just sitting there. He reiterated that those were the only two they saw between Wytheville and Blacksburg on their side of the road. Vice-Mayor King inquired as to what the Town can do to make them treat the interstates in Wythe County. Mayor Crewe stated the Town can complain to their representatives and to VDOT, but the answer is going to be that they are doing the best they can. Town Manager Sutherland stated that VDOT did treat Peppers Ferry Road and Route 11 east and west. Mayor Crewe noted that the two trucks he saw were not VDOT trucks, but they were private contractors. Mr. Boenke pointed out that the trucks on the interstate are private, and they are not VDOT trucks because they have private contracts. Vice-Mayor King noted the first truck they saw with the liquid was a private truck. Mayor Crewe stated he thinks the cutoff line is the Wythe/Pulaski line, and the Salem District goes to the Pulaski line and does not come into Wytheville, and the Bristol District stops at Wytheville and does not go into Pulaski. He advised that this part of the difference is the boundary line. Mr. Boenke advised that he just wanted to say thank you for all the hard work in the snow removal. Mayor Crewe thanked Mr. Boenke for taking the time to come to the Town Council meeting to thank the Town. He stated the Town will get a little more experienced in this, from the sound of it, in the next couple of days.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The Town's Code requires people in business and industrial zoning districts to clean their sidewalks after a snow event. This has not been happening, and, heretofore, the town has not had these kinds of volumes of snow, and, fortunately, in bygone years, it has melted or someone else has cleaned it up, or the Town has cleaned it up without requiring a whole lot of effort. The Code does require that these sidewalks be cleaned, and if they are not

cleaned, and if and when they are cleaned by the Town of Wytheville, it is the cost of what the Town had to do plus a 10 percent assessment. Some of these sidewalks are in such a bad state of repair that the Town is going to have to do some of them. The Town just wanted to alert businesses that it is their obligation to clean these sidewalks, and if the Town cleans them, they are going to send a bill. Mayor Crewe advised that this is similar to mowing. Town Manager Sutherland stated that it is exactly like mowing.

2. The Council had chatted previously in both Committees about the need for some additional computer software. The value of this software is about \$25,000, which was not appropriated. The Budget and Finance Committee, last week, authorized Town staff to proceed, and money was found in a couple of line items, so the money will be used from those line items at the end of the year.
3. Both Council Committees will meet this week on their regular day and time.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, reported that later in the meeting, the Council will consider an ordinance amending the Town's Personnel Policy pending provisions concerning the overtime pay for public safety employees. He advised that in the early 1990's, the United States Fair Labor Standards Act provided for certain exemption from overtime pay for public safety employees, particularly police officers and firefighters. Councilman Jones stated that through the previous standards, police officers could work up to 168 hours in a 28 day work cycle without receiving overtime pay. Councilman Jones noted that for firefighters, the overtime compensation did not start until after 188 hours worked in a 28 day work cycle. He advised that recently there have been certain court cases challenging the standards, and, as such, there are new provisions concerning the compensation of these public safety employees. Councilman Jones stated that under the amendment that will be considered later in the meeting, police officers will receive regular straight time pay for hours worked over 160 hours up to 168 hours in a 28 day work cycle. He advised that firefighters will receive straight pay for hours worked above 160 hours to 188 hours in a 28 day work cycle. Councilman Jones indicated that when the ordinance is considered later in the meeting, the Committee would move that it be adopted on first, but not yet final, reading.

Councilman Jones also reported that when the budget was adopted this past year, there were no payroll increases provided for the Town's employees. He stated that Council did, however, provide full-time employees with three vacation days that were to be used between July 1 and December 31, 2009. Councilman Jones explained that at that time, the Council noted that they would reevaluate compensation in the midterm of the budget to determine if there would be any payroll increases or if the Council could provide additional leave days. He noted that after reviewing the budget, the Committee does not believe that there could be any additional compensation provided to employees and thinks that it is equitable to provide employees with three additional leave days for this budget year. Councilman Jones indicated, therefore, it is the recommendation of the Budget and Finance Committee that the Council provides full-time employees with three additional leave days that must be used between now and July 31, 2010. A motion was made by Councilman Jones and seconded by Vice-Mayor King to provide full-time employees with three additional leave days that must be used between now and July 31, 2010. 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. [Crea&@ ^\) dE](#)

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Weisiger, reporting for the Public Works Committee, reported that on West Lee Highway, from a point near 30th Street westwardly to the corporate limits, there are a number of drainage culvert pipes underneath West Lee Highway. He stated that all these culvert pipes were installed when West Lee Highway was constructed and have now become in a deteriorated state of repair. Councilman Weisiger advised that as everyone knows, West Lee Highway is a four lane divided section of highway, and to replace this piping would be a significant construction project and would severely hamper traffic in this area. He stated that Director of Public Works Dennis Hackler recommended to the Committee that they consider relining these drainage pipes in a fashion similar to the relining of sewage lines that has been occurring around town. Councilman Weisiger advised that the Committee authorized Mr. Hackler to proceed to receive quotations for performing this work. He stated this work would involve the installation of approximately 1,120 feet of pipe. Councilman Weisiger noted that the bid price received was \$69,073.48. He stated this bid price is far less than was anticipated and

reflects the competitiveness of construction at this time. Councilman Weisiger advised that there are not monies appropriated in the current year's budget to perform this work, but the Committee believes because this price is so competitive and there is a critical need to fix these drainage structures, the Council should proceed. He stated it is the recommendation of the Public Works Committee that the Council authorize this construction and that the Council evaluate at a later time during this fiscal year where the funding will come from. Councilman Weisiger advised that there may be sufficient funding left in various categories to fund this construction or it may be necessary that funds be taken from reserve accounts, both of which can be determined during the fiscal year. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to authorize the relining of the drainage culvert pipes from a point near 30th Street westwardly to the corporate limit on West Lee Highway and to evaluate at a later time during this fiscal year where the funding will come from. 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 Weisiger also reported that the Town was pleased to learn last week that Rural Development had obligated approximately \$6.4 million in grant and loan funds to be used for the construction of a 20-inch water line and the refurbishment of the groundwater storage tanks on Pine Ridge. He noted that approximately \$2.3 million of the total project cost will be American Recovery and Reinvestment Act funding, while the remaining \$4 million will be a 40 year loan at 2.375%. Councilman Weisiger advised that work on this project will probably not commence for at least 8 or 9 months. He explained that this project would involve the installation of a 20-inch water line, much of which will occur within the right of way on Main Street. He noted that since there will be construction of Main Street, the Committee thinks it is worthwhile to consider other work that can be performed while this water line construction is underway. Councilman Weisiger advised that in the downtown area, the conduits and electrical service serving the white way lighting is old and in need of updating. He noted that on East Main Street, from 11th Street eastwardly to I-81, there are certain streetscape, sidewalk, and curb and gutter enhancements that would be beneficial. Councilman Weisiger stated the Committee has asked the Town's staff to do a preliminary engineering report on this additional work and that the Town pursue additional grant funds from Rural Development. He noted that in all likelihood, if funding was awarded from Rural Development, it would be a combination of grant and/or loan funding. Councilman Weisiger advised, however, that the Committee believes it is worthwhile to do an engineering assessment and to make application. Councilman Weisiger indicated that there is no action required by the Council at this time, and the Committee will provide periodic updates on the status of the Town's funding application. A copy of the Public Works Committee report is attached and made part of these minutes. ~~Clara@ ^} dE~~

RE: ORDINANCE NO. 1245 – PERSONNEL POLICY

Mayor Crewe presented Ordinance No. 1245, an ordinance amending and reenacting Ordinance No. 1028, generally known as Personnel Rules, Regulations, and Policies, Section 4. Pay of Employees, Section 4.6 Overtime Pay, Subsection 4. Public Safety Employees, of the Town of Wytheville, Virginia, on first reading. He noted this is the ordinance recommended by the Budget and Finance Committee to change the overtime pay regulations, and the recommendation is that the ordinance be adopted on first, but not yet final, reading. A motion was made by Councilman Jones and seconded by Vice-Mayor King to adopt Ordinance No. 1245, an ordinance amending and reenacting Ordinance No. 1028, generally known as Personnel Rules, Regulations, and Policies, Section 4. Pay of Employees, Section 4.6 Overtime Pay, Subsection 4. Public Safety Employees, of the Town of Wytheville, Virginia, on first, but not 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. 1245 was adopted on first, but not final, reading.

RE: WALL OF HONOR CIVIC MONUMENT HONOREE

Mayor Crewe stated the next agenda item is to consider the recommendation of the Wall of Honor Committee regarding the honoree to the Civic Monument. Mayor Crewe noted the request from the Wall of Honor Committee is to approve the inclusion of the name of Mr. Dennis

Reed Counts, Sr. on the Civic Monument. A motion was made by Vice-Mayor King and seconded by Councilman Jones to include the name of Mr. Dennis Reed Counts, Sr. on the Wall of Honor Civic Monument. Mayor Crewe inquired if there is any discussion on the motion. Vice-Mayor King remarked the only other thing she has is she will talk to the president of the Wythe Arts Council to see if the Town can honor Mr. Counts during the Chautauqua Festival on the Sunday night before the Community Band plays like the Town did last year. She advised that she will let the Council know about this after she speaks to the president of the Wythe Arts Council. Mayor Crewe inquired if there is any further 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 the name of Mr. Dennis Reed Counts, Sr. will be added to the Civic Monument pending the approval of the Wythe County Board of Supervisors who also has to vote on this matter.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:25 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

BUDGET AND FINANCE COMMITTEE REPORT

FEBRUARY 8, 2010

1. Later this evening, the Council will consider an ordinance amending the Town's Personnel Policy pending provisions concerning the overtime pay for public safety employees. In the early 1990's, the United States Fair Labor Standards Act provided for certain exemption from overtime pay for public safety employees, particularly police officers and firefighters. Through the previous standards, police officers could work up to 168 hours in a 28 day work cycle without receiving overtime pay. For firefighters, the overtime compensation did not start until after 188 hours worked in a 28 day work cycle. Recently, there have been certain court cases challenging the standards, and, as such, there are new provisions concerning the compensation of these public safety employees. Under the amendment that will be considered this evening, police officers will receive regular straight time pay for hours worked over 160 hours up to 168 hours in a 28 day work cycle. Firefighters will receive straight pay for hours worked above 160 hours to 188 hours in a 28 day work cycle. When the ordinance is considered later this evening, we would move that it be adopted on first, but not yet final, reading.
2. When the budget was adopted this past year, there were no payroll increases provided for the Town's employees. We did, however, provide full-time employees with three vacation days that were to be used between July 1 and December 31, 2009. At that time, we noted that we would reevaluate compensation in the midterm of the budget to determine if there would be any payroll increases or if we could provide additional leave days. After reviewing the budget, we do not believe that

there could be any additional compensation provided to employees and think that it is equitable to provide employees with three additional leave days for this budget year. Therefore, it is the recommendation of the Budget and Finance Committee that we provide full-time employees with three additional leave days that must be used between now and July 31, 2010.

Jacqueline K. King

John W. Jones, Jr.

PUBLIC WORKS COMMITTEE REPORT

FEBRUARY 8, 2010

1. On West Lee Highway, from a point near 30th Street westwardly to the corporate limits, there are a number of drainage culvert pipes underneath West Lee Highway. All these culvert pipes were installed when West Lee Highway was constructed and have now become in a deteriorated state of repair. As everyone knows, West Lee Highway is a four lane divided section of highway, and to replace this piping would be a significant construction project and would severely hamper traffic in this area. Director of Public Works Dennis Hackler recommended to our Committee that we consider relining these drainage pipes in a fashion similar to the relining of sewage lines that has been occurring around town. We authorized Mr. Hackler to proceed to receive quotations for performing this work. This work would involve the installation of approximately 1,120 feet of pipe. The bid price received was \$69,073.48. This bid price is far less than was anticipated and reflects the competitiveness of construction at this time. There are not monies appropriated in the current year's budget to perform this work, but we believe because this price is so competitive and there is a critical need to fix these drainage structures, we should proceed. It is the recommendation of the Public Works Committee that we authorize this construction and that we evaluate at a later time during this fiscal year where the funding will come

from. There may be sufficient funding left in various categories to fund this construction or it may be necessary that funds be taken from reserve accounts, both of which can be determined later during the fiscal year.

2. We were pleased to learn last week that Rural Development had obligated approximately \$6.4 million in grant and loan funds to be used for the construction of a 20-inch water line and the refurbishment of the groundwater storage tanks on Pine Ridge. Approximately \$2.3 million of the total project cost will be American Recovery and Reinvestment Act funding, while the remaining \$4 million will be a 40 year loan at 2.375%. Work on this project will probably not commence for at least 8 or 9 months. This project will involve the installation of a 20-inch water line, much of which will occur within the right of way of Main Street. Since there will be construction on Main Street, we think it is worthwhile to consider other work that can be performed while this water line construction is underway. In the downtown area, the conduits and electrical service serving the white way lighting is old and in need of updating. On East Main Street, from 11th Street eastwardly to I-81, there are certain streetscape, sidewalk, and curb and gutter enhancements that would be beneficial. We have asked the Town's staff to do a preliminary engineering report on this additional work and that we pursue additional grant funds from Rural Development. In all likelihood, if funding was awarded from Rural Development, it would be a combination of grant and/or loan funding.

However, we believe it is worthwhile to do an engineering assessment and to make application. There is no action required by the Council at this time, and we will provide periodic updates on the status of our funding application.

William B. Weisiger

H. Judson Lambert