

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JUNE 11, 2007, 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., Town Clerk Sharon P. Hackler, Assistant Town Manager Stephen A. Moore, Town Treasurer Michael G. Stephens, Town Attorney Robert P. Kaase, Police Officer Tommy Lester, Danny Gordon with WYVE/WXBX, Justin Harmon with Wytheville Enterprise, Greg Corvin, Kirk Gibson, Phyl Snapp, Anita Gibson, Wythe Albert, Kenneth Davis, Nancy D. Wolfe, Ray Fletcher, Janet Gordon, H. S. Ingo, Michael C. Melton, Benny Lynn, Dianne Happel, Rick Happel, Nancy E. Waddell, Elizabeth Hogan, Agnes Eades, Elizabeth K. Pack, Robert G. Melton, Larry E. Edwards, Valerie Ryan, Steve Rossiter, Mark Boenke, Kristen Roy, Angela Roy, Coleman Shuler, Jackie Bianco

RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE

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

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of May 29, 2007. 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 May 29, 2007. 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: PUBLIC HEARING – ORDINANCE NO. 1217 - BUDGET ORDINANCE

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider Ordinance No. 1217, the Budget Ordinance for fiscal year 2007-08. He noted that this ordinance will be considered later in the meeting on second reading. Mayor Crewe stated that several people have indicated that they desired to address the Council regarding the budget.

Mr. Phyl Snapp was recognized and stated he wanted to thank Mayor Crewe and the Council members for all the jobs they do that people do not see. He stated as far as he is concerned, it is a job well done. He noted he does have a little bit of a concern, and it is concerning the budget for 2007-08. Mr. Snapp explained that in 2006, and noted that Town Treasurer Stephens or Town Manager Sutherland may need to correct him on some of these figures, he believes the tax rate was around \$.11 per \$100. He advised that in 2007, the tax rate went to \$.16 per \$100 for real estate. Mr. Snapp indicated that there was a reassessment this past year that raised a lot of people's property values. He stated he thinks the way he reads the budget, as he understands it, the Council is projecting to keep the tax rate at \$.16 for 2007-08. Mr. Snapp remarked that this is where he has a little problem. He stated somebody may put two and two together and state that Councilman Jones asked him to do this, but he did not. He advised that Councilman Jones always runs things by him a lot of times, and he gives him answers. Mr. Snapp remarked that when Councilman Jones stated something about this to him, he advised he needed to kind of defend himself. He noted with the reassessment that the Town has had, as landowners and real estate people, and noted he is speaking personally, his business increase and his home increase are around 28 percent, as far as the increase in taxes for this coming 2007-08. Mr. Snapp advised that to some of the Council this may not be a whole lot, and noted this is no problem and he can do it, but his question to the Council is he knows the Council has a lot of things coming up, but inquired if the Council could go a year or two and not have as much rate increase this first year because a lot of people, when they get their taxes from the County, will have an increase. Mr. Snapp indicated that he would like to ask, if the Council could, if there are some costs they could look at decreasing, and noted he did not know that much about the Town's inner workings. He remarked he knows that he, as a business person, has to look daily to find things he can cut out. Mr. Snapp noted that, basically, he is asking the Council to rethink keeping the rate at \$.16 per \$100. Mayor Crewe advised that he appreciates Mr. Snapp's comments, and remarked that he will respond only for himself, and noted he hopes

Mr. Snapp will attend the entire meeting and he will hear that the budget will be reviewed shortly, depending on how long it takes on the other agenda items, but the budget will be on the agenda. Mayor Crewe advised that Mr. Snapp is correct in that the Council advertised the budget, and noted that the Council had to advertise the budget in order to adopt it by the end of June to be in effect in July. He explained that the budget, as advertised, keeps the rate at \$.16 on real estate. Mayor Crewe stated that Mr. Snapp will also hear at the meeting that the Budget and Finance Committee does not agree on how the budget needs to be done, and when it passed on first reading at the last meeting, it was a 4-1 vote. He advised that Mr. Snapp is correct and that Councilman Jones was the one nay vote. Mayor Crewe indicated that Councilman Jones has shared his thoughts with the Council, and they are well taken, and the Council is still reviewing the budget. He reiterated that the Council had to advertise the budget and had to do something, and the Council advertised the rate as \$.16. Mayor Crewe advised that he believes his recollection is, and noted he is telling Mr. Snapp as closely as he can recall, the town-wide reassessment increase was somewhere in the neighborhood of about 13 or 14 percent overall. He explained that, obviously, some are higher and some are lower. He indicated that the County average is a whole lot higher than that, and, basically, vacant land took a bigger hit than improved property did. Mayor Crewe noted this is one of the factors in what the Council is considering. He stated he is not sure what is going to happen, and the budget comes up at this meeting on second, but not yet final, reading. Mayor Crewe reiterated that the Council had to advertise something, so the Council just kept the \$.16 rate. He stated this is the item the Council has been considering. Mayor Crewe advised that the other side of this is the State has taken away some of the Town's sources of revenue and limited what the Town could do. He pointed out that the Council's options are limited, and the Town could raise user fees he supposes, but, basically, the only taxes the Town has are the personal property and the real estate taxes. Mayor Crewe advised that the Town has business licenses, BPOL taxes, and those sorts of things, but the State has taken away some of the sources of funding the Town has had. He noted he did not know if this is helpful to Mr. Snapp or not, but this is his viewpoint to try and respond to the points that Mr. Snapp raised. Mayor Crewe thanked Mr. Snapp for attending the meeting.

Mayor Crewe noted that looking at the sign up sheets he did not see anyone else who wanted to speak about the budget. He inquired if there are others who wish to address the Council during the public hearing on the proposed budget.

Mayor Crewe recognized Mr. Coleman Shuler and advised him that the Council will be glad to hear from him on the budget because this is the public hearing on the budget. Mr. Coleman Shuler stated he would like to first ask a question because he did not see it in the budget anywhere. He remarked that he thinks based on their communications before it was not included, and it was for the costs he had submitted for action prescribed by Council for \$14,999.07 in reimbursement. Mr. Shuler indicated that he is assuming this is not included. Mayor Crewe advised that there is no line item for this. Mr. Shuler noted that this amount could be included in one of the general categories. Mayor Crewe reiterated that there is no line item for this, and advised Mr. Shuler that this is the only thing he can tell him. Mr. Shuler stated he would like to ask the Council a question. He inquired on the General Funds appropriations for the Town Manager for \$132,440, and inquired how this is disbursed. Mayor Crewe answered that it is disbursed in accordance with the budget for all the line items listed in that department. Mr. Shuler inquired if this includes anything other than the Town Manager's salary. Mayor Crewe advised that it does include things other than the Town Manager's salary. Mr. Shuler inquired as to the amount of the Town Manager's salary in this budget. Mayor Crewe answered that he does not have this amount in front of him. Mr. Shuler inquired if the Town Manager's salary is still \$80,000+. Mayor Crewe answered that there has not been a change in the Town Manager's salary, and pointed out that this is a personnel matter. He noted that Mr. Shuler can look up categories, and the Council can respond to categories. Town Manager Sutherland interjected that the Town has that whole section of all the line items. He noted it includes everything such as insurance, vehicles, etc. Mr. Shuler noted it is a whole bunch of stuff and very detailed. Town Manager Sutherland advised that it also includes association memberships. Mr. Shuler inquired if it is very complex and very detailed and inquired if he is correct. Town Manager Sutherland stated that is correct and advised that it probably includes 20 or 25 line items. Mr. Shuler inquired regarding the Public Safety Director, Mr. Newberry's salary, and inquired as to what category it is in for the General Fund appropriations. He noted he could not determine for sure where this salary is included. Councilman Jones answered that it is in the Public Safety category. Mayor Crewe noted that is correct. Town Manager Sutherland inquired of Mr. Shuler if he has the synopsis or the long sheets regarding the budget. Mr. Shuler answered that all he has is what was posted online. Town Manager Sutherland inquired of Town Treasurer Stephens as to what was posted online. Town Treasurer Stephens answered that the General Fund appropriations were posted and it included three or four sheets. Mr. Shuler noted the other question he had was for Inspections and Buildings of \$74,230, and inquired as to how much of that amount is for Building Inspector Stan Massie's salary. Mayor Crewe answered

that, again, these are lump sum numbers. He explained that what Mr. Shuler is seeing on the summary is that entire department. Mr. Shuler advised that he understands. Vice-Mayor King noted it includes the employees' salaries, etc. Mayor Crewe indicated that it includes everything. Mr. Shuler noted he would assume that Mr. Massie's salary is still somewhere in the \$40,000+ range. Mayor Crewe advised that, again, this is a personnel matter the Council cannot address. Mr. Shuler indicated that this amount is in the other information. He remarked that, again, this was all that was on the Internet. Town Manager Sutherland explained that all of those departments have line items budgets that are available. Mr. Shuler noted he will ask again if the \$14,999.07 he submitted asking for reimbursement is something that should be addressed in this hearing on the budget or in Committee meetings. Mayor Crewe answered that Mr. Shuler can address this any way he wants, but the Council has addressed this matter, and noted he does not think Mr. Shuler is going to get any more response than he has already received. He indicated that the Council has told Mr. Shuler 14 times that the Town is not going to pay this amount. Mayor Crewe advised that he will tell Mr. Shuler at this meeting that the Council is not going to pay the invoice. He noted this is the end of the discussion as far as he is concerned, but if any other Council member would like to comment, they are welcome to do so. Mayor Crewe reiterated that the Council has had this discussion numerous times, and the answer is the same. Mr. Shuler stated it does happen that there is news media and a lot of citizens attending. He advised that he knows the citizens are attending for the other public hearings, but he is sure if any of them were singled out and persecuted and prosecuted individually where the Town ordinances were not applied uniformly to all citizens, they would not want to hear someone say, "We have told you 14 times we are not going to pay you something that we have cost you." Mayor Crewe indicated that he would state it to Mr. Shuler this way, and the same way as he has previously. He explained that the Town and Mr. Shuler are involved in litigation, and that is a matter for the court to decide, and the Town has been in this for quite some time. Mayor Crewe stated this is a public hearing on the budget, and the Council can address budgetary issues and hear from the citizens who would like to speak to the budget. He noted that anything else Mr. Shuler is raising, he believes, is irrelevant and not germane to a budget. Mr. Shuler noted this is not in court, but he can take it to court. Mayor Crewe noted that the Council has also had that discussion numerous times. Mr. Shuler advised that he feels as the other people, he is sure, who are at this meeting for the other reasons and they are attending the meeting for their own reasons, is the responsiveness of their elected officials. He noted he can assure the Council that the information the Council has brought forth at the Town Council meetings, and noted he is not sure of the Council's source, but it is incorrect because he has been at every one of the court hearings, and he has been at every one of the Town Council meetings or meetings with the manager or the building inspector. He stated he is the only person in this room or anywhere on the face of the earth who has been in all of those particular meetings or dealings that affected his particular situation. Mr. Shuler remarked that he must insist that his information is accurate because he is the only one who has been a party to each and every one. Mayor Crewe stated he will tell Mr. Shuler as he has told him before to tell that information to the judge because the Town has a very strong difference of opinion. He advised that the Council does not think Mr. Shuler's information is correct. Mr. Shuler noted he has never asked the judge to pay him for what the Town Council cost him. He stated he has asked the Town Council to pay him. Mr. Shuler indicated that he knows the Council only allows a person five minutes on a given topic, but noted as he has stated before, he will continue to come until this is resolved positively and fairly. He advised that although he missed the Pledge of Allegiance, it says, "justice for all." Mr. Shuler remarked that what Mayor Crewe states is in court has not been decided justly, and indicated that he has concrete evidence to prove that, and, in fact, the last order that the Town Manager, Town Attorney, Building Official, and Public Safety Director got with the Commonwealth Attorney to ask that those five things be done, some of them were not even in compliance with the ordinances. He noted this is one reason it is currently on appeal because the judge made a decision based on what Town officials and the Commonwealth requested of him, and some of those are illegal. Mayor Crewe indicated that he is not going to allow Mr. Shuler to continue. He noted there is a room full of people and things the Council needs to do. Mayor Crewe reiterated that the Town and Mr. Shuler have a very strong difference of opinion. He stated for Mr. Shuler to tell this to the judge. Mayor Crewe noted that the Town told it to the judge, the judge ruled, and Mr. Shuler did not like it and he appealed it. He stated this is certainly within Mr. Shuler's right. Mayor Crewe indicated that Mr. Shuler is welcome to come back to an open public meeting, but the Council will not waste time debating these issues anymore. Mr. Shuler noted that what he is asking is relevant to the budget. Mayor Crewe noted he rules that this is not relevant to the budget, and Mr. Shuler's comments are finished on the budget. He thanked Mr. Shuler for attending the meeting. Mayor Crewe explained that Mr. Shuler's time is up. Mr. Shuler thanked Mayor Crewe and the Council for listening to his comments.

Mayor Crewe inquired if there are others who wished to address the Council during the public hearing for the Town budget. He advised he did not see anyone else on the sign up sheet, but if someone desired to address the Council, they are more than welcome to do so. Mayor Crewe

stated that the Council appreciates the citizens attending the meeting. There being no one else who desired to address the Council during the public hearing on the budget, Mayor Crewe declared the public hearing closed.

RE: PUBLIC HEARING – HAPPEL REZONING

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider the request of Richard D. and Diane M. Happel for the rezoning of a portion of property located on the east side of Carrington Place between Asbury Lane and Cove Road from A-1 Agricultural to MA-1 Medical Arts. He noted he thinks he has kept the sign up sheets in the order that they were taken as citizens came through the door to the meeting.

Mr. Kirk Gibson was recognized and stated he was not going to be the designated presenter for this issue, but it turned out that he is. Mayor Crewe thanked Mr. Gibson for attending the meeting. Mr. Gibson thanked the Council for listening to his comments. He advised that at the initial Planning Commission meeting, he received notice of the meeting, and he did not have a whole lot to state at that meeting, but he thought he would attend the Planning Commission meeting to see what was going on. Mr. Gibson remarked that he was under the impression it was about one doctor's office and one residence. He noted when he got to the Planning Commission meeting and started hearing things that were in more actuality of what was happening, it seems that there is a possibility of up to five doctors' offices going in. Mr. Gibson indicated that he did not get a final total of how many residences may go in. He noted he did talk with Councilman Jones last year in regard to this property, and Councilman Jones told him that the Town has approved for single dwelling houses to go on the property. Mr. Gibson advised that this is what he was somewhat expecting to go in on the property. He stated he has now found out that they are looking to put in up to five doctors' offices plus some housing to go on this property. Mr. Gibson remarked that he did not know if the Council has a copy of this, but this is the only copy he has. He presented a list of questions that were asked at the Planning Commission meeting. Mr. Gibson also presented some photos of the property. He indicated that he just presented those photos to show the Council what they can see now, and they can imagine what a large brick building with a large parking lot and a lot of streetlights will do to this property. Mr. Gibson advised that he found out things from his neighbors, and stated he has a petition which he presented to the Council. He stated that these are names of individuals from just Holston Road. He stated that there are a total of about 60+ names. Mr. Gibson indicated that he also has a petition from Wytheview. He stated he did not get a chance to go totally through the Wytheview neighborhood, and this is only a small portion. Mr. Gibson pointed out that he did not plan to go to Wytheview Drive, and he was asked to come out there because they had a lot of neighbors who wanted to get their name on the petition. He stated that, unfortunately, it was just a matter of days ago, and he just could not get the entire Wytheview Drive. Mr. Gibson advised that just the neighbors across the street from this proposed rezoning have a lot of questions that are on the list the Council is currently viewing, and a lot of them are still unanswered. He pointed out that the neighbors would like to have answers to some of these questions. Mr. Gibson noted that one of the questions is if they are going to get Town sewer. He inquired if the property in question is going to be served by Town sewer, and if it is, will Holston Road be served by Town sewer. Mayor Crewe answered that Holston Road will probably not get Town sewer. He advised he will attempt to respond to a couple of things that Mr. Gibson is asking. Mayor Crewe noted he was not at the Planning Commission meeting, but he has read the minutes. He indicated that there is a total of 37.5 acres in this tract of land, 12 acres of which is being asked to be rezoned. Mayor Crewe explained that it is basically the front 12 acres. Mayor Crewe noted the request that is before the Council is 6 acres of land that fronts on Holston Road to be used as a medical facility, and the remaining six acres to be divided into two lots for possible other medical offices. He advised that there are two different zones, and there are 12 acres being proposed to be split into two 6-acre tracts. Mr. Gibson advised that there is a total of 37 acres. Mayor Crewe indicated that he will defer to the Town Manager, and advised that the Holston Road property for Dr. Happel could be served by Town water and sewer if he understands correctly. Town Manager Sutherland answered that he is not sure. He explained that he thinks the divide is at Carrington Place, and noted he did not know if the Happels have spent any time yet with the Town engineers reviewing this. Mayor Crewe pointed out that it is an engineering issue as to which way it can be served. He advised that the back part down the hill where it is lower is the issue with Holston Road. Assistant Town Manager Moore stated there is a manhole that could possibly serve the property in question, and it is about on the Carrington Place property line. He noted it looks as if in an ordinary development plan, the Happels would have to use a small pump station at this particular site proposed by them to get the sewer to the Town's line. Mayor Crewe noted that these questions have not yet been answered because the engineering has not been completed. Mr. Gibson stated that people keep asking these questions. He noted he did not come to the Planning Commission meeting with the intentions of being the spokesperson for this project, but it appears he was one of the few people attending the meeting. Mr. Gibson advised that he and one other person were the only ones who spoke. He indicated that these questions he has circulated are some important questions to him and

the neighbors. Mayor Crewe remarked that there are 13 questions on this list, and he thinks some of them have been answered, and some of them have not been answered. He noted the first question is regarding traffic, and noted that, obviously, this has been discussed. Mayor Crewe stated the Town does not know what is going to happen with the traffic, but they could make some projections, and this will be addressed. He noted that bright lights are something that has to be addressed. Mayor Crewe advised that for increased taxes, he noted he would guess that if there is development in the area, it would be assessed at a higher value than an empty field, and therefore, the value may go up. He noted if the value next door goes up, the neighbors' property values could go up. Mayor Crewe stated he did not know how the Town can address that question. He pointed out that it is the same thing about the decrease in property values. Mayor Crewe noted it is an issue for an assessment person, he thinks. He stated for the question of plans for the owner of the property regarding whether there will be one or multiple offices, he noted this would be discussed, but once there is a rezoning, it is not unlimited. Mayor Crewe explained that the square footage, the number of parking spaces, and road frontage is what determines how many offices or parking spaces are required per square foot of the building, and these are addressed in the Town ordinances. He stated he did not think the Town can require an owner to state this, and he has just stated what the owner has asked for and what they have told the Town they are going to do. Mayor Crewe noted that the next question is regarding the Town sewer. He stated he thinks the Council has addressed this as best as they can. Mayor Crewe noted the next question is future plans for the remaining property. He advised that the Town does not know the future plans for the remaining property. Mayor Crewe stated the next question is how much acreage is being rezoned. He answered that it is 12 acres that have been requested. Mayor Crewe noted the next question is how far this is to be built off Holston Road and what entrances and exits are planned. He answered that this has not been decided, but it would be covered by the Town's building codes and the ordinances involved there. Mayor Crewe indicated that the next question is they are concerned about the possibility of drug seekers in the area. He stated this was discussed in the Planning Commission meeting, and it will probably be a topic when the Council discusses it later in the meeting. Mayor Crewe advised that the answer he has been given is there are not many drugs on site, but pointed out this could happen anywhere, and someone could break into a house and steal drugs. Mr. Gibson indicated that Dr. Happel did bring this up at the Planning Commission meeting, but advised when they are talking about five doctors' offices, the neighbors do not know what drugs are in there. He indicated that someone looking for drugs is not going to know what is in there. Mayor Crewe stated that is true, but noted he does not think this is something the Council can address as a zoning issue, which is all that is before the Council at this public hearing. He noted the next question is if the property is being considered for a residential subdivision for single dwellings or apartments. Mayor Crewe noted that part of it is not going to be or is not requested to be rezoned. He stated he thinks the Council has covered this question as best as they can. Mayor Crewe indicated that the next question is why it is necessary to rezone 37 acres for just one proposed medical facility. He pointed out that there are only 12 acres of the 37 acres being requested to be rezoned. Mayor Crewe stated that, technically, a medical office would not comply with an agricultural zone, and this is why it is necessary to rezone it. He noted that the 13th question is again about traffic and people using Holston Road. Mayor Crewe indicated that this is, obviously, a topic that will be of concern and something the Town will need to review. He stated that for the record, he is assuming that Mr. Gibson is giving these to the Council, and noted he can make these 13 questions a part of the minutes as well, or he can give them back to Mr. Gibson, or however Mr. Gibson wants it done. Mayor Crewe noted normally, what the Council would do is accept the petition and the questions as part of the Council minutes so everyone knows these documents are, in fact, part of the comments. He stated if this is what Mr. Gibson wants the Council to do, they would be glad to do it, and this is what the Council would ordinarily do. Mayor Crewe remarked that he would suggest that they do the same thing with the questions. He noted he has read all 13 questions and tried to respond to them as best as he can. Mayor Crewe inquired of Mr. Gibson if he would like for the Council to make the questions a part of the minutes as well. Mr. Gibson noted that actually he has one other question in particular, and this question he is asking he would like to add because for all the people who did sign the petitions, this is one of the biggest questions they had. He advised that the big question out of all of those 86 people who signed the petition is traffic. Mr. Gibson noted everyone agrees that Holston Road has got entirely too much traffic now, and that this development is going to make it that much worse. He stated one of the other questions that came from one of his neighbors is they are concerned about a traffic light being generated at Fourth Street and Holston Road. Mr. Gibson inquired if there will be a traffic control device at this intersection and if that is a possibility. Mayor Crewe answered that there is no traffic light proposed at Fourth Street and Holston Road. He noted he would have to look at the distances, but inquired if this is within the interstate area, and advised that the State regulates this and not the Town. Town Manager Sutherland advised that VDOT would want to be involved potentially in this because this is in the limited access area. He pointed out that when motorists cross Fourth Street from Holston Road, they are on a ramp. Mayor Crewe advised what he is stating is if the Town decides they want a stop light there, they cannot put one there, and they would

have to wait and get VDOT's approval. He remarked that in the past when they have had these discussions, VDOT has stated that a light cannot be placed there. Mayor Crewe indicated that this is not something the Council can unilaterally determine. He stated that, obviously, traffic is a concern to everyone. Mayor Crewe remarked that everyone will hear the report from the Public Works Committee that will address some of the concerns about traffic on Holston Road. He noted that Holston Road does have more traffic, but pointed out there is hardly a street in town that does not have traffic. Mayor Crewe advised that with the construction on Tazewell Street and it being closed, he thinks this is adding to the problem on Holston Road, and the Town is trying to address it. He noted that once Tazewell Street is open, he thinks things will change. Mayor Crewe advised that traffic is a legitimate concern that has to be addressed. Mr. Gibson noted that traffic is a question. He remarked that he has gotten so many questions from people about what is going to be done. Mr. Gibson stated he just keeps telling people, like Mayor Crewe is trying to tell him, that he does not know. He indicated that there have been some proposals made he thinks, and one in particular that has been talked about before is putting signs up that state, "No Through Traffic." Mr. Gibson noted he remembers years ago that there were signs at each end of the road. Mayor Crewe noted that the signs state, "No Through Trucks," if he remembers correctly. Mr. Gibson indicated that these signs did not stay up long, and they were taken down. Town Manager Sutherland inquired if the signs were taken down. Mr. Gibson explained that this was 20 years ago maybe, and it was a long time ago, and there were signs on each end of Holston Road that stated "No Through Traffic," and it did not help. He indicated that the signs will not do anything until a few people are stopped. Mr. Gibson noted that he is not stating the Town has to put up a stop gate and give everyone a ticket who is going through. Mayor Crewe remarked that the Town has the "No Through Trucks" signs, and the Town has written some truck tickets. He explained that legally, the Town cannot state that a motorist cannot cut through a public street. Mayor Crewe stated that "No Through Traffic" is not enforceable due to State and Federal law. Mr. Gibson noted that what they have talked about are some warnings for some of these particular trucks. He reiterated that there is a lot of traffic on this road. Mr. Gibson noted that going down Holston Road to get the names on the petition, he can appreciate these people out there. He stated there are a lot of people out there walking their dogs, as well as a lot of joggers, walkers, etc., and there are people from the nursing home who walk. He continued that there are a lot of people out there, and he can tell the Council that it is true. Mr. Gibson stated he did not know how many times he had to dive for a ditch. Mayor Crewe indicated that the Town is trying to do some more traffic enforcement on Holston Road, but the problem is that no one ever speeds when the police are out there. Mr. Gibson explained that they have offered their front yard to the Town, County, and State Police, and any of them can use it who want to, and it is available to sit there in their yard if they want, and they have no problem with this. He stated that something needs to be done with this road. Mr. Gibson inquired if he could pick up the list of signatures sometime after this meeting. Mayor Crewe stated that Town staff can make a copy of the list and return it to Mr. Gibson. He noted that by lunchtime tomorrow, the list should be available. Mayor Crewe reiterated that Town staff will make a copy of the list and return it to Mr. Gibson. Mr. Gibson noted he will drop by the Town Office and pick up the list. Mayor Crewe noted that Town staff will make a copy of the list and return the original to Mr. Gibson. Mr. Gibson indicated that here again, because he is the one who is here, he is speaking. Mayor Crewe noted that judging by the sign up sheet, Mr. Gibson is not the only one from the neighborhood attending the meeting. Mr. Gibson stated that is good, and inquired if there is a date the neighbors could expect to hear some answers to these questions, especially for the direct people who are across the street from this proposed development, and they are wanting to know what types of buildings there will be, etc. He noted he believes a letter has been written to Town Manager Sutherland from a lady who lives on Holston Road, and it is regarding the water drainage. Town Manager Sutherland advised that he has not received a letter. Mr. Gibson noted that the letter went to someone on the Town Council. He advised that the lady was wondering about the water drainage because she has a bad problem with drainage now, and once this land is paved, this is going to put out a lot of water. Mayor Crewe indicated that it has to be addressed, and it is part of the building permit process, too, with the sediment control ordinances, and they would still be applicable. Mr. Gibson inquired if those things will be looked at and another meeting be held to make comments before this is voted on and passed. Mayor Crewe answered that there will not be another meeting because those are building code matters. He explained that the Council does not approve building plans, and noted that building permits are issued by the Building Inspector in accordance with the building code, so those issues would be addressed in that process. Mayor Crewe noted there are engineering diagrams that have to be submitted, and soil and water erosion control ordinances have to be complied with, and all of this sort of stuff is basically addressed in the Building Official's office and not by the Council. He commented that these issues would not be subject to a Town Council vote, and, therefore, not subject to another meeting. Mayor Crewe noted that what everyone will hear is the request for the rezoning, which will be voted upon by the Council. He explained that it is on the agenda and will be considered later in the meeting, and everyone will get the answer at this meeting as to whether the Council votes yea or nay as to the rezoning request. Mayor Crewe indicated that this will occur at this

meeting. Mr. Gibson advised he has one other question, and noted he made a promise he would bring this up. He stated it is going to sound ridiculous, but it is one of his feelings, too. Mr. Gibson noted that one of the neighbors on Holston Road asked him this question. He noted when he handed the petition to the man and he read it, the man inquired as to where he is going to go now to watch the deer. Mr. Gibson noted that the man told him that he stops in that field all the time in the mornings going to work and sometimes in the evenings coming back from work and watches the deer going through there. He remarked that he had not thought of that, but right in his front yard is the gate going into that property, and the gate is straight across from his house. Mr. Gibson noted that the deer use the gate to come through and cross the road to go down beside his house into his backyard so they can eat. He advised that he and his wife love watching these animals come across the road all the time. Mr. Gibson noted that he was down in Wytheview this weekend getting signatures, and a whole herd of deer were going up to his place. He stated it may not sound like much, but to the neighbors it is like a little piece of wildlife out there that is going to be taken away. Mayor Crewe noted that he appreciates Mr. Gibson attending the meeting, and noted that he does not have an answer regarding the deer. Mr. Gibson thanked Mayor Crewe for listening to his comments.

Ms. Nancy Wolfe was recognized and stated she appreciates the Council allowing her to speak. She advised that she is a co-owner of this property with her sister since 1985. Ms. Wolfe noted the land has been used for farming, but they have not really been able to farm, and the land is not really conducive to farming. She advised that they have had it on the market recently, and they presently have a contract with Dr. Happel and his wife, contingent upon this rezoning. Ms. Wolfe indicated that they do want to sell the property, and noted she guesses this is obvious. She remarked that she cannot speak as to exactly what will be there, but she can speak from a personal experience that maybe will pacify some of these people. Ms. Wolfe advised that she feels a medical facility would be a good use for the property. She noted that she, personally, lives close to a hospital, and she lives immediately next door to a pediatrician's office, and, also in that building is a podiatrist and a general surgeon. Ms. Wolfe remarked that she finds them to be very good neighbors. She noted they are closed on the weekend, and everything is quiet. Ms. Wolfe indicated that the office is closed after 5:00 p.m. or 6:00 p.m. She noted there are several doctors there, but usually only one or two doctors in each office at a time. Ms. Wolfe stated that she, personally, finds it convenient to have a doctor that close. Mayor Crewe thanked Ms. Wolfe for attending the meeting. He advised that for the record, for those who did not get the packet and would not necessarily be aware of this, the rezoning request indicates that the owners had consented, and there is a signature page for that, and Ms. Wolfe had indicated that she consented to the rezoning request.

Mr. Ray Fletcher was recognized and stated he declined to speak.

Mayor Crewe advised that Mr. Benny Lynn had indicated he wanted to speak on the zoning, but noted he thinks Mr. Lynn is referring to the Country Club Heights zoning. Mr. Lynn advised that he is attending the meeting on the Holston Road rezoning and the Country Club Heights zoning, but there is nothing left to state on the Holston Road rezoning.

Ms. Diane Happel was recognized and noted she would let her husband speak first.

Dr. Richard Happel was recognized and stated he knows he has five minutes, and he will be brief. He noted there are a couple of points he probably needs to respond to at this meeting to pick up where he left off over a month ago at the Planning Commission meeting. Dr. Happel remarked that it seems like, from listening to the comments at this meeting, that, obviously, the large issue at hand appears to be the traffic pattern. He noted he has been in the Wytheville area about 15 years, and, obviously, there has been an explosive growth in several different areas of Wytheville. Dr. Happel indicated that he personally sees the Holston Road area as a huge conduit of traffic patterns already between the Peppers Ferry area, which is seeing a lot of explosive growth right now, as well as the Fourth Street access where there is also a lot of growth and development. He noted that in terms of discreet traffic coming in and out of that area, it seems to him more that it is going to be a conduit of traffic not due to any one particular business, whether it be an expansion of the medical arts area of Carrington Place or a new facility there. Dr. Happel advised that the 37 acres has had two or three contracts on it in the past for development of residential housing to put 52 homes there. He pointed out that this, he would think, in itself would mandate a much higher traffic pattern if there is an average of two cars per family, and that is 100+ cars with lights on at night and cars going 24/7, including the weekends than any particular medical practice. Dr. Happel explained that the practice they are intending to put on just 12 acres of the 37 acres is road frontage, but it is going to be back at least 200 feet. He noted he is planning to build approximately a 6,000 square foot single-story brick office building with just accent lighting from the ground, and there will be no overhead lighting. Dr. Happel indicated that there will be a 600 foot drive in the middle. He stated that on the left hand side of that will be another two 3-acre lots which they may sell also for medical arts

facilities. Dr. Happel noted they will have some say in terms of the building style, but, hopefully, by him building first, they will set a precedent for the type of structures that are put there. He stated that they, certainly, would not allow a two or three story structure to be put on the property. Dr. Happel noted that he cannot really comment, nor it is appropriate for him to comment, on the taxes. He stated regarding the lighting, he thinks he has already addressed that in terms of accent lighting only, unless there is some ordinance the Town feels he needs to put a different type of lighting there, which he would have no issue with. Dr. Happel remarked that there is not going to be five offices, and, at the most, there will be three offices, and all of them would be back 200 feet from the main road. He stated that the back 25 acres is not going to be rezoned, and it is going to be left zoned agricultural. Dr. Happel remarked that he has no plans, as there have been in the past, to rezone this area for commercial or for residential. He noted that the property will be kept agricultural, and it is possible that in three, four, or five years, he may put a single family dwelling there, and the property will be kept agricultural with deer, fox, or whatever happens to be in the area in fact. He explained that this habitat will not be developed for commercial or for residential use. Dr. Happel noted that as far as drug seekers, even if there are three doctors' offices there, there is a much larger building next to them that is medical arts, which is the nursing home, and it already has drugs available in that facility, and he does not feel that this has been an issue in the past. He stated it would be much easier to walk into Carrington Place to abscond with drugs than it would be any office, he can assure everyone. Dr. Happel remarked that he thinks these are the main issues he can report to at this meeting. Mayor Crewe thanked Dr. Happel for his comments.

Mayor Crewe noted that Mr. Mark Boenke has placed a question mark by his name and inquired of him if he is attending the meeting regarding this rezoning or the Country Club Heights zoning. Mr. Boenke noted that he is attending the meeting for this rezoning. Mayor Crewe noted that the Council will be glad to hear from Mr. Boenke. Mr. Boenke indicated that he wanted to address some of the comments and touch upon a few engineering issues. He stated that first, regarding the existing sewer that was spoken of earlier, the manhole is at the east end of Carrington Place, which is the west end of this property. Mr. Boenke explained that the existing sewer depth would not allow gravity sewer to go to it, and it would have to be pumped into that manhole. He stated that those who are wishing to utilize the existing Town sewer system would have to put in some sort of lift station on their property to get the sewage into that manhole. Mr. Boenke advised for the building style, he thinks, a good example would be the building type that Dr. Roney just built, and this would be the type of building style he thinks the Happels are looking to put in. He stated as far as the traffic is concerned, if three offices are considered, and each office sees 30 patients a day, traffic wise, that is 90 vehicles going in and going out, and that is 180 vehicles per day on the weekdays. Mr. Boenke indicated that he would round that up to 200 vehicles to include employees. He stated that previously, a 52 lot subdivision was proposed for this area, and the traffic count suggests on a single family home, 10 trips per day, so that would be 52 times 10 is 520 trips, so in actuality, there would be less traffic, compared to a 52 lot subdivision, that would be going in and out of the property. Mr. Boenke explained that, also, the current zoning to the west of the property, Carrington Place, is all medical arts, and this would flow in with medical arts zoning that is existing. He stated the remainder of the property would be zoned agricultural, and it is to remain that way. Mr. Boenke pointed out that medical arts zoning is one of the strictest zoning ordinances the Town has, and he wanted to bring this up. Mayor Crewe thanked Mr. Boenke for his comments.

Mayor Crewe noted if he is reading the list correctly, and noted he stands to be corrected, everyone who had indicated on the sign up sheets that they wanted to speak on the Holston Road rezoning has been given the opportunity to speak. He inquired if there are others who wished to address the Council during this public hearing concerning this particular rezoning request. There being none, Mayor Crewe declared the public hearing closed.

RE: PUBLIC HEARING – COUNTRY CLUB HEIGHTS ZONING

Mayor Crewe stated the meeting also constituted a public hearing (due notice having been given) to consider the proposed zoning for Country Club Heights, which is property acquired during a recent boundary adjustment, located on the west side of Petunia Road between Route 11 West and Old Stage Road to R-1 Residential and R-2 Residential.

Mr. Greg Corvin was recognized and stated he lives at 110 Dodgion Street with his wife, Missy, and 9 year old son, Tyler. He advised he would like to remind the Town Council that three years ago, every landowner along Petunia Road and Dodgion Street, except for one, signed a petition to rezone the west side of Petunia Road to R-1 Residential. Mr. Corvin noted he thinks this action strongly reflects the desires of the citizens regarding zoning in this area of town. He stated that with this said, they went before the Planning Commission at their meeting on May 10 asking that this new land be taken into the town as R-1 Residential. Mr. Corvin noted that at the Planning Commission meeting, the current landowners indicated that, in fact, approximately 90

percent of the new development would meet R-1 Residential standards anyway. He stated that the reason given that they did not request R-1 Residential zoning initially for all the land was so they could avoid the time and the bureaucracy in returning to the Town once again for the purpose of rezoning from R-1 Residential to R-2 Residential the estimated 10 percent of land which they deem at some point in the future to have R-2 Residential development. Mr. Corvin advised that at this point, he does not believe the exact location for the R-2 requirement within the 160 acres is known. He noted that he thinks there still remains too many questions. Mr. Corvin noted that, therefore, in his opinion, they have requested a blank zoning for the development of 160 acres. He advised that also, requesting R-2 Residential, in his mind, could also lead to long term issues. Mr. Corvin stated that firstly, there are no guarantees when, how, or for that matter who, will eventually develop this land or for what purpose. He noted that he wishes the developers much success, however, everyone knows that unplanned and unexpected things do happen. Mr. Corvin noted that secondly, he would think that the Town would want to define zoning to accurately mirror the actual development. He remarked that under the developer's proposal, taking them at their word of course, the Town would end up with approximately 144 acres with R-1 Residential construction zoned R-2 Residential. Mr. Corvin noted that in his opinion, this is not wise given the R-1 Residential land availability in town is a limited supply and running out quickly. He commented that if the construction is R-1 Residential, the Town should define it correctly as such. Mr. Corvin remarked that the citizens of this area request that this land be brought into the town as R-1 Residential. He noted he would hope that the Town would consider the long term impact of any zoning decision as opposed to the short term advantages to any developer merely requesting a certain zoning to avoid the time and proper procedure for a rezoning request. Mayor Crewe thanked Mr. Corvin for attending the meeting.

Mr. Larry Edwards was recognized and stated he is one of the owners of this property and he is representing the remaining owners. He stated when they purchased the property, of course, it was within the County. Mr. Edwards noted that in looking at what they would like to do with the property and looking at the town, they felt it would be in everyone's best interest if they asked for the property to be taken into the town, and the Town and the court agreed upon their request that placing this property into the town was appropriate. He advised that this was completed on January 1, 2007. Mr. Edwards explained that they are in the process of developing plans for Phase I, which would be the R-1 Residential property that they currently have. He indicated that they have not completed the plans for the remainder of the property. Mr. Edwards noted that they do need an R-2 Residential zoning for a portion of the property to be able to do something with retirement. He stated that any plans, of course, would need to be reviewed by the Planning Commission, the appropriate officials, and, of course, the Town Council. Mr. Edwards remarked that they do not feel they are leaving anyone at any disadvantage with the R-2 Residential zoning because everyone will have a chance to review it without the necessity of developing a public hearing for each of the sections as they are reviewed. He stated that they do want to build something that they are proud of, the Town is proud of, and their neighbors are proud of. Mr. Edwards indicated that at the current time, they feel that it is necessary from a time perspective to request a portion of this to be R-2 Residential. He reiterated that they do not feel they are putting anyone at a disadvantage because there will always be a second review on the proposed plans that will need to be approved by the appropriate governing bodies. Mr. Edwards indicated that this is the reason they requested this zoning. He pointed out that it would be nice if they had completed plans that everyone could review, but on this large of a project and doing it in a number of phases, that is just not economically feasible. Mr. Edwards advised that, of course, they have to respond to market conditions as they transpire over the course of the next four or five years. He thanked the Town Council for their attention and for their hard work, and advised he looks forward to working with them. Mayor Crewe thanked Mr. Edwards for attending the meeting.

Mayor Crewe advised that just so the record is complete and those in the audience will know, the Town has also received a letter dated today, June 11, 2007, addressed to him with copies to the Town Council, and it is from Dr. Janet Bechtel-Johnson that indicates that she and her husband, Dr. Ted Johnson, are unable to attend the meeting. He stated that relevant portions of her letter indicate, and noted that two sentences sum it up, that, "they would like to see this land zoned as R-1. We value our neighborhood and are concerned that the owners of this property will not value it as we do. We again ask you to zone the property in question as R-1." Mayor Crewe noted that this letter will also be made part of the public hearing and the minutes of the public hearing.

Mayor Crewe noted that unless he is missing something, he has called upon everyone who indicated that they desired to speak on this topic. He inquired if there are others who wish to address the Town Council regarding this zoning. There being none, he declared the public hearing closed.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period. He noted there is a Citizens' Period at each meeting, and anyone is welcome to come and speak about any topic they desire. Mayor Crewe noted if he is reading the sign up sheets correctly, there are several people who have indicated they desired to speak to the Council regarding a topic that is not on the agenda. He noted that this is the time for those comments.

Mayor Crewe advised that the first person is Mr. Wythe Albert who desires to speak to the Council about a water bill. He stated he knows there was a problem with his water bill. Mayor Crewe thanked Mr. Albert for attending the meeting and advised that the Council will be glad to hear from him. Mr. Albert advised that he is attending the meeting on a water bill for his property. He stated he assumes it is caused by the Town, and the Town has no referendum to adjust the water bill. Mr. Albert remarked that if it is the Town's fault, if it a house or something, they can adjust the bill on it, but noted that Town staff stated they cannot adjust the bill. Town Manager Sutherland explained that Mr. Albert had a piece of dirt in his meter. Mr. Albert noted it was a gravel. Town Manager Sutherland remarked that what Mr. Albert ended up with was a high water bill because they could not get the valve to hold because there was a gravel in it, and he is asking for an adjustment. He noted that Councilman Jones heard this Thursday morning. Mayor Crewe inquired if this is to Mr. Albert's residence. Mr. Albert noted that it is at Wytheville Fas-T-Lube, 725 East Main Street. Mayor Crewe inquired if this is under review by the Committees, and inquired if this is where the Town is in this matter. Town Manager Sutherland noted he has not seen Town Treasurer Stephens to talk to him about this yet, but the matter was discussed Thursday morning. Mayor Crewe advised that he guesses the answer is that the Town does not have an answer, but the Town is working on it. He noted he has been out of town for a couple of days, and the Committees will meet on Tuesday and Thursday morning, and the Town will try and get Mr. Albert a response and see what can be done. Mayor Crewe explained that there are some avenues, and this is, obviously, one of them, that the Council can pursue. He noted his understanding is there was a gravel in it, but it has been fixed, and the gravel is no longer causing the problem. Mr. Albert noted that he got the gravel out of it, and it has happened twice, and it has been three weeks now, and it has not happened anymore. Mayor Crewe noted that it has been corrected. He stated the Town works on his lines, and they get gravels in them, and no one knows where they are going to go. Mr. Albert remarked that it does not bother a house much, but he has a commercial place, and it will lock it up. He noted that a little gravel will go up the ring and lock it up. Mayor Crewe noted that he has not looked at the agenda, and inquired if it is on the Committee agenda this week. He inquired if this topic can be placed on the agenda this week. Town Manager Sutherland noted he will put it on the Budget and Finance Committee agenda for Thursday morning, and he will meet with Town Treasurer Stephens regarding this matter. Mayor Crewe informed Mr. Albert that he is welcome to attend the Budget and Finance Committee meeting on Thursday at 7:00 a.m. He noted that Councilmen Weisiger and Lambert serve on the Public Works Committee and they meet every Tuesday morning at 7:00 a.m., and Vice-Mayor King and Councilman Jones serve on the Budget and Finance Committee, and they meet on Thursday morning at 7:00 a.m. Mayor Crewe indicated that these are public meetings, and Mr. Albert is welcome to attend. He advised that the Council will review this matter and will get Mr. Albert an answer in the next few days. He thanked Mr. Albert for attending the meeting.

Mayor Crewe advised that several people had indicated they desired to address the Council regarding the pet ban, and this is on the agenda, and he will get to those momentarily.

Mayor Crewe noted that Mr. H. S. Ingo had advised he wanted to address the Council on the field growth ordinance, which is not technically, if he is understanding correctly, on the agenda. He advised that the Council will be glad to hear from Mr. Ingo. Mr. Ingo thanked the Council for allowing him the opportunity to speak to them regarding his concerns as a resident of the Town of Wytheville. Mr. Ingo noted the concern he is bringing before the Council is people maintaining their personal property owned within the Town limits. He stated that presently, the ordinance for mowing and maintaining property requires property owners to mow twice a year, once before June 15 and once again before September 15. Mr. Ingo noted that this requirement is not enough, obviously, for a property that is owned behind his house. He indicated he is requesting that the Council revisit this requirement. Mr. Ingo indicated that for over 25 years, their family has dealt with a piece of property that adjoins theirs that has not, and will not be, taken care of by Dr. Deal. He noted that the fine assessed and the mowing service that the Town provides, if not taken care of, is \$100. Mr. Ingo explained that the Town sends the letter and Dr. Deal does not mow, and the Town fines him \$100. He stated this does not serve any purpose to him, but noted for most citizens it would, but Dr. Deal would rather pay the Town the fine and allow the Town to maintain the property. Mr. Ingo stated that since moving back to Wytheville seven years ago, he has requested assistance from the Council and the Town Animal Control Officer, which

he has received a great deal of help from. He noted that Mr. Bill Scott has been kind to come every time to try to set up traps and do what he needs to do. Mr. Ingo advised that he, unlike some of the other residents, does not want to fight the wildlife problem, and he does not want to see them. Mr. Ingo noted that he chose to live in the town, and not in the county. He stated he does not live in the country, and he does not plan on living in the country at the present time. Mr. Ingo remarked that since they moved to Wytheville, last year he received assistance from the Wythe County Animal Control Officer to combat the growing wild animal problem that existed. He noted that, again, this year, and already within the past five days, they have seen muskrats, groundhogs, and foxes on their property. Mr. Ingo indicated that one of the groundhogs was actually around the front of his house located in their flowerbed at the front while they were mowing. He stated this is too close for comfort for him. Mr. Ingo noted that his request is that the property owner be required to mow once a month from March 1 until October 31, obviously, affecting the growing seasons. He stated this requirement would not be placed on land that is used for agricultural reasons, much like what the Town's current ordinance already deals with. Mr. Ingo advised that by requiring this, the Town would make people meet the high expectations that everyone, as a community has. He stated he chose to move back here with his family in order to raise it here since he was raised in Wytheville and wants to raise his two girls in Wytheville. Mr. Ingo noted that he feels very fortunate to be part of this community, and he wants to see it continue to grow, but not at the cost of what is being done. He stated his concern is his children, his wife, and his pet that he paid good money for, will be bitten or have an encounter with one or several of these animals. Mr. Ingo pointed out that rabies is very prominent in skunks and foxes, and, already this past year, he has dealt with both problems. He noted that his dog has been sprayed by skunks, and that is not a kind situation to go through with, obviously, as the Council knows. Mr. Ingo stated that he has dealt with the foxes in the past couple of days, as well as last year. He noted that last year, they found two dens located in the back property, and this year, no one knows what else will be happening back there. Mr. Ingo advised that he is asking for the Council to be a proactive community, and he does not want to be a reactive community because if one of these animals bites one of his children, then, obviously, there is a major problem, and this is not what he wants. He stated he spoke with the Assistant Town Manager the other day, and he was very helpful. Mr. Ingo summarized that he would like some help. He noted that they continue to fight this. Mr. Ingo advised that his grandfather, who passed away in 1979, dealt with this problem then. He noted that his mother took this problem over and tried to deal with the problem in a positive manner. Mr. Ingo stated that he has, yet, to see Dr. Deal, and he has never seen him on the property, and he has not seen Dr. Deal do the work on the property. He advised that he has had environmentalists come, and as Mr. Boenke just pointed out to the Council, and noted he appreciates Mr. Boenke telling everyone, he lives in an area zoned medical arts. Mr. Ingo noted that they have higher expectations, and inquired why there cannot be higher expectations for mowing and taking care of the properties. He remarked that as he previously stated, the foxes were located very close to his house. Mr. Ingo noted when he let the dog out the other night, the fox was standing in his yard. He advised that his wife had let the dog out 30 minutes earlier, and she saw something, too, and she did not know what it was, and she came running back in and told him to come outside and she saw a bushy tail, and, obviously, that was a fox. Mr. Ingo advised that his wife is a city girl, not a country girl. He noted that they are trying to deal with this, and he would like some help. Mr. Ingo advised that, obviously, the mowing that the Town does has been a tremendous job and it takes care of some of the problems, but they do not get to the other side of the property. He noted that Town Manager Sutherland can tell the Council that when it was the Simmerman spot, Ms. Simmerman kept it mowed and kept it clean, and if a person goes through it now, it is a jungle. Mr. Ingo noted that trees are down, and it is a great haven. He stated that he had environmentalists come and look at it in the past few weeks, and they just laughed at some of the different things they saw with the animals running around, and they noted that they cannot believe the animals are growing that close to an area that is zoned medical arts. Mr. Ingo reiterated that he would like for the Council's help in some way, and, obviously, he would like for the ordinance to be reviewed. He thanked the Council for their consideration of this matter. Mayor Crewe advised that the area abutting Mr. Ingo is a particularly problematic area, and the Town has tried lots of things that he thinks have helped, but the Town still has not solved the problem. Mr. Ingo noted that is correct. Mayor Crewe noted that the Council will review the mowing ordinance. He thanked Mr. Ingo for attending the meeting. Town Manager Sutherland remarked that the Town did get the trapper. Mr. Ingo noted that it was one of his former students, and he did a great job, obviously, but the animals keep coming back. Mayor Crewe noted that the trapper has too much work to do. Town Manager Sutherland summarized that he did not know if Mr. Ingo had been told that they did find the trapper. Mr. Ingo remarked that Mr. Scott set out traps, and they caught cats, but that is all. He noted he did not care about the cats, and that his dog would take care of the cats. Mayor Crewe thanked Mr. Ingo for his comments. Councilman Weisiger inquired as to Mr. Ingo's address. Town Manager Sutherland noted it is near Dr. Amanda Brewer-Smith's Office. Mayor Crewe stated it is 450 West Ridge Road.

husband needs to empty the litter box because of the parasites that live in the cat feces. She stated it can cause spontaneous abortions, mental retardation, brain damage, and a whole list of things. Ms. Gordon advised that as dog owners, they are required to keep their pets on leashes at all times, unless it is in an area that is a fenced in area that is posted "off leash" property. She pointed out that it is just not the dog feces, it is all the animals, if the Town wanted to get really health conscious about it. Ms. Gordon advised that it is a proven medical fact that animals do help patients get better quicker, mentally and emotionally. She noted that the lady she spoke to today at Hedgefield has diabetes, she had a stroke, and she has a small dog that is very friendly. Ms. Gordon noted that this small dog has saved this lady's life a couple of times, the lady said today, just by the fact that when she went into a sugar coma, the dog has licked her face to get her awake. She advised that this shows he was needed, and the dog provided and helped out his owner. Ms. Gordon indicated that at the last meeting, she made a proposal for the Town to consider a dog park, and she has done some research. She advised that she found that several states have an entrance fee of anywhere between \$3.00 to \$6.00 that is charged on a yearly basis, and the pet owners must also provide proof that the pets have had their shots and are up to date. Ms. Gordon remarked that she knows Dr. Jessee now has the little green bell tags showing that the dog or cat has had its rabies shot and has been vaccinated. She noted that the fee is most commonly charged for dog parks that are privately owned. Ms. Gordon stated that the dog parks that are not privately owned do what is called a recreational use immunity, which protects landowners from liability only if no fee is charged. She advised that most dog parks that have had problems with the feces disposal have rules and someone provides pick up bags, and usually it is the user group supporting the park. She continued that they raise money through donations or fund raisers. Ms. Gordon noted that the user group tries to have someone present during the most used times, and that someone spends a lot of time educating people as they come into the park. She advised that with time and effort and encouragement, visitors learn that they all have a stake in seeing that the park is kept clean. Ms. Gordon indicated that good funds help. She stated there are a lot of people who do not know how to use the bags and scoops and where to find them. Ms. Gordon advised that this is why the Town needs to educate. She noted that not only having a dog park will help the dog exercise and have a social life with other pets, it also allows the owners to socialize with people of the same interests. Ms. Gordon advised that it also contributes to people's physical fitness programs to be able to exercise with their dog. She noted it improves a person's mental status. Ms. Gordon indicated that an example of this is a pet that goes to the nursing homes and works with Easter Seals. She noted they have the horses that work with the Easter Seals, and the animals that they work with. Ms. Gordon indicated that the benefits of an enclosed dog park include that puppies and adult dogs have a safe enclosed place to play. She stated that enclosed areas prevent off leash dogs from infringing on the rights of other community residents and park users such as joggers, small children, and those who may be fearful of the dogs. Ms. Gordon advised that by their mere presence, a group of dog owners and dogs help deter crime and frequently act as eyes and ears for the police. She stated that a well exercised dog is a happier and healthier dog. Ms. Gordon continued that a well exercised dog makes a better next door neighbor than an under exercised dog. She noted that puppies and dogs that get enough exercise are less likely to create a nuisance, bark excessively, destroy property, and jump on passers as they are going by. Ms. Gordon indicated that dog parks allow people to come together and create a greater sense of community. She pointed out that dogs help shy people. Ms. Gordon noted that people's love for dogs often creates an important common ground, which serves to break other impenetrable social and economical barriers. She commented that many people have everlasting friendships between those who they have met at the parks that they may not have otherwise met. Ms. Gordon advised that this goes for areas that are not enclosed and are on a leash also. She noted the areas that do allow pets have signs posted where they can be seen with fines listed, and enclosed areas have "enter at your own risk" signs posted also. Ms. Gordon noted that there should be rules posted at all entrances to the park, and there are a number of rules that can apply depending on whether the park is enclosed or not. She indicated that as far as enforcing the clean up of pets, the Town could post signs with fees, and charge a fee for a one time offense, a second offense, and let people do community service cleaning up the park. Ms. Gordon stated if this does not help, let people spend some time in jail, or eight hours. She noted that she can guarantee that they will not be back there doing it again. Ms. Gordon indicated to promote responsible dog ownership by educating the pet owners at different activities. She explained that the American Kennel Club offers a K-9 Good Citizens Certificate. Ms. Gordon noted that she believes the more education that is given, the more pet owners will be willing to clean up after their pets. She stated that a place to walk a pet is not only going to benefit the pets, but also the owners. Ms. Gordon advised that she would like for some members of the Town Council, and pet owners who would like to have a place, to visit a dog park, even if it does mean a trip to Roanoke to see how they are running their park. She noted it would give the owners and Council an idea of how things work by watching it in person, and it would also show the benefits of having a place. Ms. Gordon advised that in closing, she would like to read the Virginia Consolidated Dog Laws and the Care of Animals by the Owner. She noted that it states, "Each owner shall provide for each of his companion animals: (1)

Adequate feed; (2) Adequate water; (3) Adequate shelter that is properly cleaned; (4) Adequate space in a primary enclosure for the particular type of animal, depending on its age, size, species, and weight; (5) Adequate exercise; (6) Adequate care, treatment, and transportation; (7) Veterinarian care when needed or to prevent suffering or disease transmission. These provisions of this section shall also apply to every town, animal shelter or other releasing agency, and every foster care provider, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that the animals used as food for other animals be euthanized. Game and wildlife species shall be cared for in accordance with the regulations by the Board of Game and Inland Fisheries. Violation of this section is a Class 4 misdemeanor." Ms. Gordon noted if the Town bans the animals from the park, and that is the only place some pet owners have to take their pets, then, by law, they have already committed a Class 4 misdemeanor by not being allowed to exercise their pets. She stated that she strongly believes that the Town Council needs to research this issue very thoroughly, not only about the dog feces, but about some trash and glass. Ms. Gordon indicated that she noticed some of it from the First Friday event. She stated she came back on that Saturday, and it was full of trash in the park. Ms. Gordon noted the Council has talked about a child playing in the feces. She inquired as to if a child falls on a piece of broken glass, then what is the Council going to do, ban people from drinking in the park. Ms. Gordon noted that she thinks there are a lot of issues that need to be reviewed as far as everything goes. She stated that, for instance, last Tuesday, she went to the parks and she had her 10 year old daughter, her goddaughters, and her two nieces all from 16 months up to 10. Ms. Gordon stated they went to all the parks, and they saw no problems, and they went to Elizabeth Brown Park, and people were there on a bicycle and with skateboards. She noted that the signs are posted, but people are not following them. Ms. Gordon pointed out that she thinks the Town should enforce the laws a little better than what the Town is now before they do a banning. She stated she would like for the Council to consider the ideas that she and some of the other pet owners who are attending the meeting to speak will suggest and take them into consideration before their final vote. Ms. Gordon indicated that she also has with her, which she will give to the Town Council, almost 200 signatures of people who would like to have a place to take their pets. She stated she has two petitions from people who took the petitions to work and to their area who are not attending the meeting due to some circumstances, but she can present those petitions this week or at the next Town Council meeting. Ms. Gordon presented the petition with the signatures that she has thus far. Mayor Crewe advised that the Town Council will make the petition part of the minutes as well. Ms. Gordon thanked the Council for allowing her to speak. Vice-Mayor King inquired if all of these people on the petition have dogs and use the parks. Ms. Gordon advised that is correct. Vice-Mayor King inquired if all 200 of them use the park. Ms. Gordon noted that is correct. Vice-Mayor King inquired if Ms. Gordon has noticed any difference in the park in the last two weeks. Ms. Gordon noted that she has noticed there have been less people there with pets. She indicated that she spoke last week to a schoolteacher from Spiller School, and she did not encounter any problems at the park when she took her children over there. She noted that people were afraid to go to the park because they were afraid they were going to get tickets. Ms. Gordon advised that she did not think it was made clear in the newspaper that this had not gone into effect yet, and she noted she thinks this is something that does need to be made clear to the public, and it does need to be made more clear that the ordinance has not gone into effect yet, and that pet owners are still allowed to go down there. Mayor Crewe stated he agrees with what Ms. Gordon is stating, but the Council has no control over what goes in the newspaper. He noted he thought the Town had corrected it, and they tried, but, obviously, what the Town has control over is not in effect yet. Mayor Crewe advised that if the ordinance passes at this meeting, the ordinance will be considered at the next meeting for the third vote. He explained that if it is approved on third reading at the next meeting, the ordinance would be effective after that meeting, so it is at least two weeks off. Mayor Crewe indicated that he does not know how to make that any clearer than what the Council has already stated. He noted that, obviously, Ms. Gordon has done a lot of work, and the Council appreciates it. Ms. Gordon noted that is correct and indicated that she has tried educating, too, as she is gathering names on these petitions. She stated that the other people who are helping her who were not able to attend this meeting, but are pet lovers, have tried educating others and doing that. Ms. Gordon reiterated that she thinks if the people are educated and are told and shown, it will help. She noted that people have to be worked with and time spent with them. Vice-Mayor King indicated that it is shame that people cannot read the signs in the park. Ms. Gordon advised that there are some people who cannot read and write, and those people have to be educated. She noted she thinks it would help. Mayor Crewe thanked Ms. Gordon for her efforts and for attending the meeting.

Mr. Robert Melton was recognized and stated he did not have much to state, but it is about the pet ban. He stated he would like to see the Council back up, and noted he appreciates the Council letting him speak, and place the signs, instruct the officers, and Mr. Scott that when people complain, the violators are going to get a citation. He noted the Council could toughen the fine, and if the same people continue who are causing the problems, the Council could

possibly do the same for people who do not take care of animals in their homes, and they are banned, and the court will do it. Mr. Melton noted he knows the judge at the courthouse will, in fact, take action if somebody does not handle their pets properly. He noted he is talking about the dogs. Mayor Crewe advised that this is always an option, and this ordinance would not help or hurt that, and this can still be done. Mr. Melton noted that the Town could designate one small area as far as where the dogs can be, but, basically, put the signs up and enforce them. He stated that the word gets around, just like Ms. Gordon was stating, and people pay attention. Mr. Melton advised that when people look at the people using their seatbelts, some do not, but when they hear that they could be stopped, then more people wear their seatbelts. He noted this is what he is stating is the Town should enforce and actually make the penalties tougher instead of approving the ban, and allow the people, like himself, because he took his old dog out to see his sister-in-law at Birdmont. He noted they could get a reaction out of his sister-in-law in the latter stages of Alzheimer's when she would not communicate with anyone. Mr. Melton noted that he takes his dogs out, and Councilman Weisiger knows that he takes his dogs everywhere, and he can tell the Council this. He stated he is the kind of person that if there is a problem, he is going to take care of what his pets are doing wrong. Mr. Melton noted that the Council could let this be known that it will be enforced and toughen the penalties rather than just banning the dogs because of a few individuals. He stated what Ms. Gordon has stated about people going in the park and throwing their beer cans out at night and things going on like this such as breaking bottles, and he worries more about this than he does about the dog poop, but by the same token, dog feces is a mess and it should not be there. He advised that people should be responsible, and the Town could actually toughen the laws and try that, and, if all else fails, the Council has this to come back to. Mr. Melton asked the Town Council to please let people keep their pets with them, so to speak. Mayor Crewe thanked Mr. Melton for his comments.

Ms. Elizabeth Hogan was recognized and stated she appreciates the Council listening to her comments. She noted that when they moved to Wytheville, it was really warm and welcoming to find that they were in a town that allowed pets in the park. Ms. Hogan advised that they had lived in several different towns, and when they lived in Arizona, they allowed no pets in any of their parks, and they thought this was just so cold. She stated the town they lived in before that was not that way, and so when they came to Wytheville, it was so refreshing to find that it was not like that. Ms. Hogan commented that she is sure if someone comes here and goes to the park, and there is dog excrement, that is not refreshing, and noted she understands that. She pointed out that there is something very family friendly about a town that allows pets in the park. Ms. Hogan advised that they were really excited about that. She stated that she has two dogs, and she walks them twice every day, and they are very insistent upon that. Ms. Hogan advised that she usually does not go to Withers Park, and it is not the closest to her house, so she cannot really speak to the condition of Withers Park. She noted that she goes to Elizabeth Brown Park several times a week, and in warm weather she goes probably every day. Ms. Hogan advised that she can honestly state that she cannot ever remember ever seeing dog excrement there. She noted she is not stating there is no dog excrement there, but she is stating that she does not remember seeing any, and she walks all over that park. Ms. Hogan pointed out that there is dog feces often on the Washington Street side on the road, and several times, she has seen a loose dog stopping along the way there. She noted she has seen people let their dogs out to do their business in other people's yards so they do not have to pick it up, and she would assume that is how the loose dog got out to do that. Ms. Hogan indicated that maybe this is how some of the excrement gets in Withers Park because some people just let their dogs loose so they do not have to pick up after them. She remarked that she has always been responsible carrying Wal-Mart bags in her pockets so that she can pick up after her dogs. Ms. Hogan advised that maybe a few times she has not because she forgot to put the bag in her pocket, so she is sure that once or twice she has not picked up after her pet, but she thinks that everyone at the meeting drives cars, and when they break the law, they get a ticket for that, and there is a penalty. Ms. Hogan remarked that the authorities do not state that they have some people who have broken the law, and, therefore, everyone who owns cars are forbidden now to drive on the public roads because there are some people who do not follow the rules. Ms. Hogan advised that this is not the way the system works. She explained that she cannot quite understand why the Council cannot do that in this situation. Ms. Hogan pointed out that she realizes it is not the same, and she realizes it is not as simple as that, but she does not understand why all the responsible pet owners, and advised that she thinks there are more responsible ones than irresponsible ones, have to pay the price for the ones who are irresponsible. She noted that at least as the gentleman before her stated, at least do not implement this immediately. Ms. Hogan inquired as to why there cannot be a system where there are fines for people who break the rules. She advised that a family member of hers lives in Washington, DC, and there are very large signs posted that state if a person does not pick up after their pet, there are big fines, \$200, \$300, or \$400, and noted she cannot remember the amount, but there are large fines, and they are enforced. Ms. Hogan noted that this takes some police presence, and they ride their bikes through the parks, but, of course, if a person walks

their dogs in the park and they are not supposed to, that takes police presence as well to notice that. She indicated that in Washington, DC, if a person does not pick up after their pet, and they have to pay that fine a few times, the person is not happy about that, and they pick up after their pet the next time, or they do not take them to the park. Ms. Hogan advised that she does not see why the Council cannot start with that type of procedure before they go to the banning. She stated she understands not taking the dogs to the cemeteries, and she completely agrees with this, and it is disrespectful, and she understands this completely. Ms. Hogan remarked that it seems to her like it would be more fair to start somewhere else before the Council goes to a banning, and see if they cannot improve the situation first. Mayor Crewe thanked Ms. Hogan for attending the meeting.

Mayor Crewe noted that there was no one else on the sign up sheets who indicated they wanted to address the Council regarding this topic. He inquired if there are others.

Ms. Jackie Bianco was recognized and stated she resides at Hedgefield, and she owns a pet, and she is required to pick up after it at Hedgefield. She advised that she pays \$300 to have a pet at Hedgefield, and they are required to walk them twice per day and to pick up after them. She noted that there are a lot of stray dogs, and there are still some people who do not pick up after their pet when they do walk them. Ms. Bianco noted that there are also people who let their dogs run loose, and this is a problem, too. She advised that it is just as unpleasant to step in dog feces, and it is unpleasant to step in cat feces, but no one does anything about that. She advised that it is also unpleasant to step in chewing gum that someone has spit out. She advised that there are diseases that are not curable. Ms. Bianco indicated that she knows it is not pleasant to go somewhere and there is dog feces everywhere, and cat feces is unpleasant, too. She noted that it is not pleasant when there is child defecation somewhere and dirty diapers around. Ms. Bianco noted that she pays taxes when she purchases her dog license. She stated she does not know who receives the funds when the dog licenses are purchased, but the citizens pay it. She remarked that the dogs have to get their shots, etc. Ms. Bianco indicated that she agrees with the other speakers, and the Council should fine some people. She advised that she takes her dog almost everywhere she goes, and her pet is a lot of company to her. Ms. Bianco noted that she and her husband live alone, and their pet is a lot of company to them. She advised that her dog sits on her head and licks her face when her blood sugar is low, and it wakes her up. Ms. Bianco noted that the Council may not like this either, and she does not particularly like for him to lick her all over her face, but it wakes her up, and she can do something about her blood sugar. She reiterated that having her dog with her is company, and it lowers her blood pressure. Ms. Bianco indicated that her doctor has written a note for her to have her dog at Hedgefield. She stated she had a larger dog when she first moved there, and she had to let her daughter take care of him because he was too big, and noted she can understand that because she does not want a big dog out there to hurt someone. Ms. Bianco noted that she does not want her dog that weighs 14 pounds to hurt anyone. Mayor Crewe thanked Ms. Bianco for her comments and for attending the meeting.

Mayor Crewe noted that there are a couple of points he would like to address. He stated that Ms. Bianco advised that she did not know who received the money from the dog licenses. Mayor Crewe explained that this money goes to the County, and the Town receives the money from the cat licenses because the County does not have any cat tag process, but the dog tag money goes to the County. He noted when the speakers were talking about the fines and costs, etc., the Town can set maximum fines, but, obviously, they have to be imposed by a court, and the problem that has happened in the past is when they can have someone there to enforce the laws, they cannot catch the people breaking the laws. He noted, for example, that no one speeds when the police officer is there. Mayor Crewe indicated that his personal belief is that the Town is hearing from responsible pet owners, and they may have talked to several people that probably up until now have not been responsible, and, hopefully, will be more responsible in the future. He stated that the people who this ordinance is really aimed at are not at this meeting and have not been at the any of the hearings that have been held. Mayor Crewe indicated that also so the record is complete, he will share that the Town has received a letter from Mr. Margaret Pitsenbarger Ferrell that is dated June 7, 2007, and basically, he can summarize it by stating that there are a couple of sentences that note she is a dog owner and it states, "I definitely agree that pets should be banned from the cemeteries, and it is showing lack of respect to let a pet relieve themselves on a loved ones' grave..." Mayor Crewe noted that the letter goes on to talk about the dilemma with keeping the pets out of the park, and stated she thinks a solution that would solve all the problems and address both sides would be a dog park. He noted the letter goes on to talk about how this could be done, etc. He stated that this reminds him, too, that the proposed ordinance has an exception that if a pet has a permit, it would not ban every dog. Mayor Crewe advised that it occurred to him that if a person's doctor has stated a person should have a dog with him/her, this person should be able to get a permit so the dog could be with this person in the park even if all the other dogs would be banned, and

this could be done under the proposed ordinance. He explained that he thought a couple of these things needed to be addressed.

Mayor Crewe stated that, again, if he is missing something for someone to tell him, but he does not think there is anyone left on the sign up sheets who wanted to address this issue who has not had the opportunity to speak. He inquired if there are others who wished to address the Town Council regarding this ordinance. There being none, he proceeded.

Mayor Crewe indicated to the Council that there is motion to adopt this ordinance on second, but not yet final, reading. He inquired if there is any discussion on the ordinance. Councilman Weisiger advised he would like to state that whatever the Council does at this meeting, the Council may want to look at maybe an alternative ordinance with the possibility of a fine if a person does not clean up after their dog and keeping the part with the ban in the cemeteries and see how this works before they go ahead with the ordinance to ban the dogs from the park. Councilman Weisiger indicated that this is just his opinion, and, perhaps, talk about this in the Committee meetings. Councilman Lambert stated he concurs with Councilman Weisiger. Mayor Crewe inquired if there is any other discussion. Councilman Jones inquired if the Council is discussing to make a motion to just exclude the parks right now. Councilman Weisiger advised that he is not making any motions right now. Mayor Crewe explained that he thinks Councilman Weisiger is stating to leave the ordinance as it is worded now but expect some change either by agreement through the Committee meetings in the next two weeks or an amendment offered at the next meeting to this ordinance. He noted if he is understanding what Councilman Weisiger is stating, it is that the amendment would be an absolute prohibition, except with a permit, in the cemeteries, and not prohibit pets from the parks, but increase the sanction for having a pet and not cleaning up after it. Councilman Weisiger advised that this is what he was thinking about maybe proposing at the next meeting. Vice-Mayor King inquired if the signs need to be larger if the people cannot read the current signs. Mayor Crewe noted he thinks Councilman Weisiger is advising that this is something to talk about. Councilman Weisiger stated that this is something he would like to discuss again at the Committee meetings. Councilman Jones indicated that this is acceptable to him. Vice-Mayor King noted that further discussion is also acceptable to her. She pointed out that people like Ms. Gordon need to do the Town's public relations for them. Vice-Mayor King noted that Ms. Gordon cannot keep a person from allowing their animals to use the bathroom in the parks, obviously. Mayor Crewe stated that a person can clean up after their dog that does this, or they can pay a heavier fine if the judge orders it. He indicated that he does not think anyone who is violating this ordinance has come to a Council meeting. Vice-Mayor King stated she agreed. Town Manager Sutherland advised that the section already provides for a public nuisance of cats and dogs, and it does not really specifically address this, and this is probably where the amendment needs to be, and it is a public nuisance. Mayor Crewe noted that the Council is talking about dogs, but the ordinance states "dogs and other animals," so it is just not limited only to dogs, and it could include cats, ferrets, and any animal could be banned. Ms. Bianco pointed out that cats do not have to be on a leash, and they run wild. Mayor Crewe stated this is true. Ms. Bianco advised that there is no control over the cats. Mayor Crewe noted there could be if a cat is defecating in the park and someone does not clean up after it. He stated the Town would have to establish ownership of the cat and go through the process. Vice-Mayor King inquired regarding the cat ordinance. Mayor Crewe stated the Town's ordinance does not require a cat to wear a collar, so identifying the ownership of a cat is problematic, but there is a problem in every Town ordinance, so it is just one more thing. He advised that he thinks what he is hearing Council state is that at this meeting, there is no amendment offered to change the ordinance, but they will work on it for the next two weeks, and when the ordinance comes back in two weeks, there will be a proposal that will be different than this ordinance in two major respects. Mayor Crewe advised that he thinks the one respect would be to limit the absolute ban only to cemeteries, and the second aspect would be to tie this with a motion to do something along the stricter enforcement lines, either amending the existing ordinance, etc. He explained that this is not what is before the Council at this meeting, but this is just a suggestion for the next meeting. Mayor Crewe stated the suggestion at this meeting is to pass the ordinance as it is written on second, but not yet final, reading. Mayor Crewe inquired if there is any other discussion on the proposed Ordinance No. 1216. 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. 1216 was approved on second, but not final, reading. Mayor Crewe stated that the ordinance is still not in effect. He noted that everyone can see what happens with any new developments on this ordinance at the June 25, 2007, meeting.

RE: ORDINANCE NO. 1217 – BUDGET ORDINANCE

Mayor Crewe presented Ordinance No. 1217, the budget ordinance for fiscal year beginning July 1, 2007, and ending June 30, 2008, on second reading. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to approve Ordinance No. 1217, the budget ordinance for fiscal year beginning July 1, 2007, and ending June 30, 2008, and to adopt and appropriate the departmental budget on second, 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 results:

FOR: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, H. Judson Lambert.

AGAINST: John W. Jones, Jr.

ABSTENTIONS: None

Ordinance No. 1217 was approved on second, but not final, reading. Councilman Jones advised that he sent the Council members some information, and he would like to be able to have Council approve this proposed \$5 million restricted reserve funds, which was composed of the money the Town has saved from the meals and motels tax that was set aside that was passed a number of years ago, plus the \$2.5 million that came from the Hospital, plus the \$700,000 that came from the Child Care Center. He explained that the Town would utilize the interest earned each year to make a principal payment only, and this will reduce the loan from 40 years to 23 years and 7 months, and reduce the total payout by \$7,002,925 to \$24,070,859. Councilman Jones stated to use the meals and lodging increase of approximately \$985,000 to pay the annual debt payments and increased operating costs. Mayor Crewe noted he would suggest this way to address that, and noted he did not see Councilman Jones' letter until today. He stated that based on the discussion they had a couple of weeks ago, he senses this is a workable solution and could be agreed upon, but noted he did not know if the Public Works Committee discussed it in their meeting last week or not, but they could review it tomorrow. Councilman Lambert inquired of Councilman Jones as to the total reserves or the designated funds, and if it is \$5 million plus those other items, or if the \$5 million includes those items. Mayor Crewe advised that those items make up the \$5 million. Councilman Jones explained that the \$5 million is what he just mentioned. He advised that the Town has already saved for three years the additional percentage of tax money to pay toward the community center, and that is what these funds were designated for. Councilman Jones indicated that the Hospital donated \$2.5 million, plus the \$700,000 for the Child Care Grant. Councilman Lambert inquired if Councilman Jones is talking about \$7,700,000 would be totally reserves. Councilman Jones noted that is not correct, and noted it would only be \$5 million, and that is all. Mayor Crewe advised that he has two issues with that, and noted he thinks this is basically what both Committees have been talking about. He indicated that his sense is there is a consensus to do this, but then he does not know mechanically how the Town can do this. Councilman Lambert advised that he thinks a municipality can designate funds, and this is the terminology from an accounting point. Mayor Crewe inquired if the Council will designate that as a separate resolution motion, and the Council will have to look at mechanically how to do this. He noted he does not think the Council is far apart on this part of it, and that is what he is sensing. Mayor Crewe advised that this is why he states it could be reviewed in the Committee meetings and then try and resolve that part of it. Town Manager Sutherland inquired of Town Treasurer Stephens if it is segregated or just segregated by accounting. Town Treasurer noted that it is segregated by accounting purposes, and it is restricted funds. Town Manager Sutherland indicated that it will all be in the same fund. Town Treasurer Stephens remarked that is correct, but it will be shown as two separate parts of money, and one is for operating and one is restricted for the future. Mayor Crewe inquired if the Council will have to do this as a line item in the budget or if it can be done by some budget language. Town Treasurer Stephens advised that the Council will need to make a motion to restrict the funds. He explained that he thinks the last time the Council just approved to segregate the money to a bank account and had a motion to restrict the money. Councilman Jones indicated that if the Council wants to wait until the next time, that is acceptable to him because the other proposal he has, which he mentioned, is on the reserve funds that have been set aside to include in the budget as an item that would only be spent with the approval of Town Council. Mayor Crewe inquired if this is on the capital outlay items. Councilman Jones advised that is correct. He noted if the Council wants to discuss those in this proposal, and then the Council can vote on the proposal the next time, that is acceptable to him. Councilman Jones stated he just feels that the Council needs to make sure that those funds are used for what they were intended because when the Council increased the taxes by

two cents on motel and meals, it was specifically stated for the purpose of the community center, and he does not feel that the Council should be going against what they voted for at that time. Town Manager Sutherland indicated that he placed this matter on the Public Works Committee agenda for tomorrow morning, but he does not know if the Council is aware of this or not, but it is on the agenda. Mayor Crewe noted that the Council just passed the budget on a 4-1 vote, so these items will be things the Council will review and consider for the third reading of the budget.

RE: ORDINANCE NO. 1218 – HAPPEL REZONING

Mayor Crewe presented Ordinance No. 1218, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone from A-1 Agricultural to MA-1 Medical Arts a portion of property located on the east side of Carrington Place between Asbury Lane and Cove Road, on first reading. Mayor Crewe inquired if there is a motion to approve the ordinance on whatever reading the Council desired, and noted this would be the first reading. Vice-Mayor King inquired as to why the Council could not approve this ordinance on first and final reading. Mayor Crewe stated that the ordinance could be approved on first and final reading, if the Council so desires, and it would be whatever motion someone would like to make. A motion was made by Vice-Mayor King to suspend the rules and adopt Ordinance No. 1218, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone from A-1 Agricultural to MA-1 Medical Arts a portion of property located on the east side of Carrington Place between Asbury Lane and Cove Road, 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. 1218 was adopted on first and final reading. Mayor Crewe noted that this rezoning is effective immediately. He advised that the process now would be building permits, etc., but the rezoning is done and is effective immediately.

RE: ORDINANCE NO. 1219 – COUNTRY CLUB HEIGHTS ZONING

Mayor Crewe presented Ordinance No. 1219, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to zone to R-1 Residential and R-2 Residential property acquired during a recent boundary adjustment which is located on the west side of Petunia Road between Route 11 West and Old Stage Road (Country Club Heights property) on first reading. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to adopt Ordinance No. 1219, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to zone to R-1 Residential and R-2 Residential property acquired during a recent boundary adjustment which is located on the west side of Petunia Road between Route 11 West and Old Stage Road (Country Club Heights property) on first, but not final, reading. Mayor Crewe inquired if there is any discussion on the motion. Councilman Jones stated that Mr. Benny Lynn is attending the meeting, and noted that he and Mr. Lynn had a long discussion about this matter. He advised that Mr. Lynn pointed out that the Council has to sit and listen to this, and a lot of times citizens feel that the Council has already made up their minds. Councilman Jones indicated that as Mr. Lynn referred, he felt like he was talking to the door at Virginia Heights, and that was what he felt like he was talking to. Councilman Jones admitted that he knows he is hard headed, and, of course, they sat through the Planning Commission, too. He stated that one of the things he felt like the developers had done was they did put in 400 feet of proposed R-1 Residential zoning, which means that with a 90 foot lot, they can get at least four R-1 houses between the R-2 zoning and the present R-1 zoning. Councilman Jones advised that one of the things that if it was him that he would be concerned about is that little strip of land that belongs to the County and has no zoning. He pointed out that anything can come on that land. Councilman Jones remarked that had these people not bought this land, then it would still be in the County, and, again, subject to what everyone wanted. It was noted that this is the purpose of it being in the town, and not in the County anymore. Councilman Jones stated that everyone remembers, or at least he does, what happened on Route 52 North right outside the Town limits, which the Town had no control over, when the stock market went in and the Town heard the uproar from the citizens who live there. He noted that, unfortunately, the Town had no control over that because it was in the County, and the County has no zoning. Councilman Jones indicated that he would love to see the County zoned. He noted that everyone can think of all the things that happen in the County where people raise

ruckus, and some things worked out and some did not. He advised that the other point, too, is that there is R-1 Residential zoning in various locations that still has some vacancies. Councilman Jones indicated that one of the things the Town has to keep in mind is that there are a lot of citizens who cannot afford an R-1 zoning home, but can afford an R-2 home, and the Town has to keep that in mind. He stated this is not an easy thing because all of the other rezonings have been opposed, even ones that were in R-1 Residential and were not going to be rezoned. Councilman Jones advised that it is difficult, but he knows sometimes citizens do not feel like the Council listens, but they have to try to make the best decision they can for, hopefully, all of the citizens in getting these things done. He noted this is basically what he had comments on. Councilman Weisiger inquired if he understood that the reason the developers are requesting R-2 Residential is they wanted to construct some patio homes for retirement people. Mayor Crewe answered that he is unsure if patio homes are what they are actually called, and there are some duplexes. Councilman Weisiger inquired if it was something like that maybe. Councilman Lambert noted that he thinks that is correct. Mr. Edwards advised that the best way for him to put this is they have no interests at all in any type of a rental situation. He noted that he knows in the past in other localities there had been some confusion. Mr. Edwards indicated that if they want to use the wording patio home or retirement home, etc., they feel there is a market for the widow or widower who owns the large farmhouse in the county or somewhere and would like to move to a smaller area, and they would like to be able to accommodate that. He noted they may not be able to accommodate this, but they would like to reserve the right. Mr. Edwards advised that they feel they are leaving the ability for oversight from both the Planning Commission and the Town Council because every plan they bring will have to be reviewed. He noted these plans will also have to be reviewed by the Building Official and the Engineering Department for soil and water, engineering, streets, etc. Mr. Edwards summarized that this is their reason for not looking at R-1 Residential for the entire tract is because, as Councilman Jones has stated, there are some people who may be able to afford R-1 housing, but they may not want a larger home, and one widow or one widower may not want an acre or a three quarters acre lot to mow, and they want a very small, tidy area that is all on one level, handicap accessible, etc.. He noted they need to have this ability, and to make it a little more affordable where they could do a patio home and have two units in this. Mr. Edwards pointed out that it would look very much like a single family residence except it possibly has two entrances rather than one. Vice-Mayor King inquired if she understood that anything the developers build will be sold and not rented and inquired if that is correct. Mr. Edwards stated that is correct. Councilman Lambert inquired if the Town has a zoning called R-1A Residential that allows for a smaller lot and a smaller house, and noted that the developers may want to discuss that and see if that would meet Mr. Edwards' concerns. Assistant Town Manager Moore noted that there is an R-1A Residential zoning. Mayor Crewe noted that this zoning allows a smaller square footage on the house, but not on the whole lot, but there is some difference. Councilman Lambert noted that it may allow for a 1,200 square foot house, and it allows also for a 90 feet frontage rather than 100 feet. Councilman Jones noted that 90 feet is the current frontage in an R-1 Residential District, and it would have to be less frontage than that and noted that Assistant Town Manager Moore would know the answer to this. Assistant Town Manager Moore indicated that he will look up this information for the Council. Mayor Crewe inquired if the Council would like to receive this information regarding the R-1A Residential district before they go forward. Councilman Weisiger noted he believes that the Council could move forward on a first, but not final, reading, of the ordinance, and take these results into consideration for the next meeting. Mayor Crewe inquired if there is any other 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. 1219 was approved on first, but not final, reading.

RE: ADJOURNMENT

Mayor Crewe thanked everyone for attending the meeting. He advised that he appreciates everyone attending, particularly those interested in the rezoning. Mayor Crewe noted that this will be a topic at the next meeting. He explained that the pet ordinance will also be reviewed at the next meeting, and noted he hopes the citizens will come back for that. Ms. Bianco inquired as to when the next meeting will be held. Mayor Crewe answered that the next meeting will be held on June 25, 2007. He noted the Council meets on the second and fourth Mondays of each month. Ms. Bianco advised that she called today, and she was told that the next meeting would be on June 29. Mayor Crewe explained that the Council meets on the second and fourth

Mondays, so June 25 would be two weeks from this meeting, and it will be the second meeting of the month. Mayor Crewe noted that June 29 is on a Friday, and he is unsure as to who will be meeting on June 29. Ms. Bianco reiterated that she called today and was told June 29. Mayor Crewe indicated that it must have been a misunderstanding, and reiterated that the next Council meeting will be on June 25. He noted that the Town Council agendas, minutes, etc. are all on the Town web page, and citizens can access them remotely on the web. Town Manager Sutherland noted he thinks the County is having a meeting on June 29, and they always meet on the last day of the fiscal year. Mayor Crewe stated he believes the County has scheduled their budget hearing on June 29. He advised that a budget has to be adopted by June 30 of every year, and the County typically does theirs the very last week of the month. He noted that he bets the June 29 meeting is a County meeting. Mayor Crewe remarked that the Town Council meets on a Monday, so June 25 would be their meeting night. There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (9:00 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

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BUDGET AND FINANCE COMMITTEE REPORT

JUNE 11, 2007

1. Later this evening, the Council will consider on second reading the proposed budget for fiscal year 2007-2008. The proposed budget that is being considered this evening on second reading is slightly different than considered last time. In the Water and Sewer Fund, there was a line item for insurance that had been incorrectly inserted into the budget with an appropriation of \$100,000 when, actually, this figure was intended to be \$10,000. These funds were in the Water and Sewer side of the budget, and the line item has been corrected. The \$90,000 change was deducted from the amount of reserve funds that was to be included in the budget. Otherwise, the budget is the same as was presented at our last meeting. We would note again, this week, that there is not a concurrence on the Budget and Finance Committee with the adoption of the budget, and, therefore, a motion, if any, for adoption will need to be made by the Council.

We would note that there are certain budget revisions that need to be made to the current year's budget. There are only two revisions required, both of which are in the Water and Sewer Fund side of the budget. In order to revise these departmental budgets, it will be necessary for the Council to conduct a public hearing and then, subsequently, take action on these budget revisions. It would be the recommendation of the Budget and Finance Committee that the public hearing be set for the June 25 meeting of Council to consider budget revisions.

2. All local governments in the country are now under new standards in the conduct of their financial audits. The American Association of Public Accountants has imposed new standards that require that a government's financial statements be prepared by a certified public accountant, and then a different set of public accountants actually performs the audit. This new standard was just imposed in February of this year. We, like many other governments, have been taking steps as quickly as we can to obtain the services of a public accountant capable of preparing the year end financial statements. These new procedures requiring a public accountant to prepare the financial statements prior to the auditing services being performed has resulted in a severe shortage of firms capable of performing this work. We have been successful in obtaining the services of a firm in Roanoke who has the credentials required by the AAPA to perform these services. The cost of these services for the current year is \$11,000. We have authorized the Town Manager to execute the contract with the accounting firm. We, like all other governmental entities, had not budgeted for this additional financial review since these standards were imposed mid-year. There is no further action required by the Council, but we did want everyone to be aware of these new accounting procedures.

Jacqueline K. King

John W. Jones, Jr.

PUBLIC WORKS COMMITTEE REPORT

JUNE 11, 2007

1. Councilman Jones, who serves as the Town Council appointment to the Planning Commission, asked our Committee to review the potential for traffic control devices on Holston Road. Mr. Jones noted that at the public hearing held by the Planning Commission with regard to a rezoning request on Holston Road that a number of comments were made about the volume and speed of traffic on Holston Road. We have looked at several alternatives including three-way stop signs and other traffic calming devices and have not, as yet, reached a conclusion on what to recommend to the Council. We would note that the proposed budget does include the appropriation for the employment of three new police officers which may be of benefit in providing additional patrol on Holston Road. We will continue to review this matter and, hopefully, can make some recommendation that will address the concerns noted at the public hearing.
2. The New River Regional Water Authority is proceeding with the construction of a water treatment facility and other associated facilities in Austinville. The contractor for the construction of the water treatment plant is Judy Construction Company, and they have been making excellent progress with their construction efforts. The entire site for the water treatment plant has been excavated, and there are foundations, walls and other structural components for the new facility rising out of the ground quickly. The contractor has also begun the block work for the main treatment

process building. Based on the progress to date, the projected substantial completion date has been set as May 21, 2009, and the final completion is scheduled for July 2009. The contractor is also working on the raw water intake structure, and this work is proceeding slightly slower than the main water treatment facility. The raw water intake structure was an existing structure on the New River that is being renovated to accommodate the new plant. The delays at this intake station are not significant, but they are not proceeding as fast as they would desire. The Authority has been awaiting the approval of several easements, one from the Virginia Department of Conservation and Recreation and one from a Homeowners' Association in Austinville. It appears that the easements from the State have now been approved, and it is thought that the easement from the Homeowners' Association will be approved in the very near future.

Since the Public Works Committee serves as Council's appointments to the Authority, we thought it might be helpful to give you an update on the Authority's progress. No action is required by the Council at this time.

William B. Weisiger

H. Judson Lambert