

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, FEBRUARY 10, 2003, AT 7:00 P.M.**

Members present: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., Charles G. Crockett

Members absent: William B. Weisiger

Others present: Town Manager C. Wayne Sutherland, Jr., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon P. Hackler, Town Attorney Robert P. Kaase, Stephanie Porter-Nichols with Wytheville Enterprise, Patrol Officer John Humphrey

RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE

Mayor Crewe called the meeting to order and established that a quorum of Council members was present. He advised that Councilman Weisiger is out of town and will not be attending the meeting. The invocation was given by Mayor Crewe followed by the Pledge of Allegiance led by Councilman Crockett.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of January 27, 2003, the request of the Wythe County Historical Society for waiver of fee for use of the Community Center on March 10 and June 9, 2003, and the request of the Virginia Department of Agriculture for waiver of fee for use of the Community Center on March 18, 2003. A motion was made by Vice-Mayor King and seconded by Councilman Jones to approve the consent agenda consisting of the minutes of the regular meeting of January 27, 2003, the request of the Wythe County Historical Society for waiver of fee for use of the Community Center on March 10 and June 9, 2003, and the request of the Virginia Department of Agriculture for waiver of fee for use of the Community Center on March 18, 2003. 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., Charles G. Crockett. Against: None.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period. He inquired if there are persons present who wish to address Council during Citizens' Period. There being none, Mayor Crewe proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. On February 27 at 2:00 p.m. in the Council Chambers, Town staff is scheduling an administrative public hearing. This would be the first step in a process of making application for Community Development Block Grant funding. The purpose of these meetings, as the Council will recall, is to provide the opportunity to give input on projects that are community development in nature or to identify particular housing needs that may want to be reviewed in a grant application. One of the areas of interest that Town staff thinks they will receive some input from is the Community College on the childcare facility that is proposed to be in the new community center. After this hearing, there will be a second public hearing to identify those projects. Hopefully, sometime in the future, the Town will submit an application for block grant funds. Councilman Crockett inquired as to the date of the public hearing. Town Manager Sutherland advised that the administrative public hearing is scheduled for Thursday, February 27, 2003, at 2:00 p.m.
2. At the last Council meeting, the Council reviewed a request from the Agape Food Pantry that was sent to the Budget and Finance Committee for review. The nature of the inquiry was to seek a waiver of the real estate taxes for the facility in which they are currently operating. The Budget and Finance Committee reviewed the request, and there were several reasons that the request could not be honored. Currently, requests such as this have to be approved by the General Assembly, and this cannot be considered for this year. More importantly, if the Council was to waive the fees, the Agape Food Pantry would have to own the property, and, currently, they are only leasing this property from someone else. The amount of taxes that are currently outstanding is \$56.14. Given that there is no way that these taxes could be waived, it was the suggestion of the Budget

and Finance Committee that he bring this matter to this meeting, and the Council make a donation to the Agape Food Pantry, Incorporated in the amount of \$56.14. If the Council desires to do this, a Council action would be necessary. Mayor Crewe remarked that in addition to this, another piece of information is if the bill passes that is currently being considered pursuant to the Constitutional amendment and a referendum vote last November, it would enable a local government to declare properties as tax exempt retroactive to January 2003. He explained that as he reads this bill, even if it becomes law, it will not help the Agape Food Pantry because the bill still applies only to the landowner. Mayor Crewe advised that the Agape Food Pantry is in the process of purchasing the property, but they do not currently own it. A motion was made by Vice-Mayor King and seconded by Councilman Jones to make a donation to the Agape Food Pantry in the amount of \$56.14 to cover the amount of the real estate property taxes due for 2002, and that each tax year will be considered on its own. Mayor Crewe inquired if there is any discussion on the motion. Councilman Crockett stated he would assume that the Agape Food Pantry made the same request to Wythe County, but noted the Council's decision does not have anything to do with what the County does or does not do. Mayor Crewe remarked that he has been told that the Agape Food Pantry has made this same request to Wythe County, but noted he does not know if the County has taken any action on the request. He noted it is not on the Wythe County Board of Supervisors' agenda for their meeting tomorrow. Town Manager Sutherland inquired if the Town Council would like for him to send a letter to the Agape Food Pantry stating that the Town Council made this donation, and they may desire to contact the County of Wythe. Councilman Jones stated he finds it difficult to believe that the Agape Food Pantry did not contact Wythe County. Vice-Mayor King stated she agreed. Town Manager Sutherland pointed out that the tax bill from Wythe County would be a lot higher than the one from the Town of Wytheville. Councilman Crockett advised that Wythe County's tax bill would be four to five times higher than the Town of Wytheville's tax bill. Mayor Crewe remarked that the Agape Food Pantry has to know what they are doing. Councilman Crockett stated the Town Council is waiving taxes, and the Agape Food Pantry does not own the property. Councilman Jones interjected that the Council is not waiving the taxes, but they are only making a donation which Agape Food Pantry will pay back to the Town so the taxes do not cost them anything. Councilman Crockett pointed out that the current owner is the person who pays the taxes. Vice-Mayor King inquired if the letter from the Agape Food Pantry stated they are paying George Keck \$1.00 per year. Town Manager Sutherland advised that is correct and noted the current landowners are George and Helen Keck of Ceres, Virginia, who are leasing the property to the Agape Food Pantry for \$1.00 per year. He noted the agreement for the lease is that Agape Food Pantry is responsible for all financial obligations pertaining to the facility including tax liabilities. Mayor Crewe remarked that the letter also states that the Agape Food Pantry is in the process of purchasing the building over the next four to five years. He noted he would think the purchase would be over the next "four or five" years versus the wording of "four to five" years. Mayor Crewe indicated that he would guess that the Agape Food Pantry and the Kecks are still negotiating, and this is the way he reads this. Vice-Mayor King stated that it could be if the Agape Food Pantry receives money. She noted she thinks the Agape Food Pantry is a very worthwhile organization. Mayor Crewe advised that the Agape Food Pantry does a lot of good in the community. Councilman Crockett inquired if the Agape Food Pantry is a tax-exempt organization. Councilman Jones stated that is correct. Mayor Crewe noted the Agape Food Pantry is tax exempt, but they do not own the property. Town Manager Sutherland indicated that he would note that the Agape Food Pantry is a nonprofit organization. Mayor Crewe inquired if there is any further discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., Charles G. Crockett. Against: None.

3. In 1981, there was an agreement between the Town of Wytheville and Pendleton Construction Corporation wherein certain road rights of way were dedicated to the town, among other agreements that went along with the right of way dedication. This is where Nye Road currently exists. At that point in time, there was actually nothing across the bridge, and when a person traveled over the bridge, there were no roads of any fashion. It was always envisioned that at some point in time, roads would be constructed on the other side of the bridge. When the Pendleton Construction Corporation made this dedication to the Town, a plat was recorded, and on one corner of the plat, on the northwest corner of the property, there was a dashed line that stated "Possible Future Sewer Easement." Since that time, the roadway has been constructed, the water and sewer have been constructed on that side of the interstate, and there is no need ever for this possible future sanitary sewer easement. Town staff has been working with the Pendleton family in obtaining rights of way, etc. that are associated with extending utilities to the new Pepsi facility. Town Manager Sutherland advised that Mr. Edmund

Pendleton noted that this old plat had the language on it regarding the possible future sewer easement, and he would like for that notation to be deleted. He advised that he understands this because in the sale of that property, it may have a negative meaning to a buyer. As such, Town Attorney Kaase has prepared, for the Council's consideration, a quitclaim deed. The deed is before the Council for their review. Town Attorney Kaase stated that he would note that only two of the three pages are before the Council, and one page is missing. Mayor Crewe noted that one of the pages was two sided when he saw it last week, and that is why it was missed. He remarked that the other two points the Council needs to remember, besides the fact that they are missing Page 2 of the deed, is the Town does not think this easement exists, but just the mere fact that the words are written on the plat stating "Possible Future Easement" does not really make an easement exist. Mayor Crewe remarked that secondly, even if the easement does exist, there is no possibility that the Town is ever going to need it. He noted the Council will be giving up something that they do not own, and they do not need it. Town Manager Sutherland advised that this will make Mr. Pendleton happy. Mayor Crewe advised that the Town has good camaraderie with Mr. Pendleton, and they would like to continue this. He inquired if there is a motion to authorize him, as Mayor, to execute a deed in the proper form. A motion was made by Vice-Mayor King and seconded by Councilman Crockett to authorize the Mayor to sign the quitclaim deed in proper form to return the "Possible Future Easement" to the Pendletons. Mayor Crewe inquired if there is any discussion on the motion. Councilman Crockett stated he would like to ask a question, and it does not necessarily deal with this matter. He inquired that when there is a notation on a plat that states something about the future, and noted that possibly the Town does not do this anymore and he hopes not, if the deed has to reflect that the Town is reserving an easement to make it a legal document. Councilman Crockett inquired if the fact that the Town just places these words on a drawing somewhere that states this may be a future use, if there does not have to be a deed somewhere that reflects this. Town Attorney Kaase advised that Councilman Crockett is mixing a handful of different things in this. He explained that in this instance, there was a plat of the subdivision of property, and the plat was dedicated, approved, and recorded. Town Attorney Kaase stated that there may be some acceptance of that dedication by the governmental entity when it is done in this way. He explained that when the Council executes this quitclaim deed, he thinks they are making it clear now that the Town has no interest in that property. He advised that there is no way for a property owner to unilaterally, without the consent of the governing body, impose a burden on the Town of the requisite that they would have to go out and place a sewer easement or any other improvement on other property. Town Attorney Kaase explained that the Council would have to signoff as accepting that plat before it got to court or it could be not be recorded without the Council's acceptance. He stated that the Town cannot be imposed upon in this way, and the Town would have to be participants. Town Attorney Kaase indicated that if he understands Councilman Crockett's concern, there are safeguards that keep the Town from being required to do something it does not necessarily want to do. Town Manager Sutherland stated he took Councilman Crockett's question to be if the Town is still putting language, such as this, on plats. Councilman Crockett stated he hopes the Town is not putting this language on maps. He inquired if the Town is placing wording on a plat that indicates a future easement, if there would have to be a supporting document. Councilman Crockett stated he thinks Town Attorney Kaase answered this. Town Attorney Kaase explained that it does not necessarily have to be a supporting document, but there has to be a dedication in accord with the statute that it is a free and voluntary subdivision by the property owners, and then this dedication has to be approved by the municipality before the plat can be recorded. He noted all of this works hand in glove, and he thinks it would be very unlikely that the Town would be imposed upon. Town Attorney Kaase advised that in this instance, it was not anything that could ever come back to haunt the Town, but Mr. Pendleton, he thinks, was rightfully concerned that this could be an impediment to his use of that property. He advised that Mr. Pendleton is asking that this be released, and he thinks that Mr. Pendleton is correct in asking for this. Town Attorney Kaase indicated that the Town had the potential of having the easement, and they are, certainly, giving the easement up at this point, but he thinks the Town is giving up the easement under proper circumstances. Mayor Crewe inquired if there is any further discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., Charles G. Crockett. Against: None.

4. Town Manager Sutherland advised that he and Mayor Crewe went to Pulaski today to hear an overview of the Fluor Virginia proposal. He stated they brought back some literature for the Council to review. Town Manager Sutherland explained that the literature is a synopsis of the large book. He noted if there was a message at the meeting, it was that local governments should express to the Virginia Department of

Transportation that something needs to be done to I-81, and they should carefully look at privatizing the construction on I-81. Mayor Crewe stated one of the things he and Town Manager Sutherland were given, which the Council is welcome to look at, is a PowerPoint presentation and a side-by-side comparison of Star Solutions proposal and Fluor Virginia's proposal. He indicated that Fluor Virginia wants the Council to write VDOT and state the Fluor Virginia proposal is better and give it their support. Mayor Crewe noted that as Fluor Virginia stated today, so the Council will know who they were talking with, there was Baker Elliott with Fluor Virginia, and he is a lobbyist. Town Manager Sutherland advised that Mr. Elliott works for a law firm. Mayor Crewe explained that Mr. Elliott made a presentation opposing the Star Solutions' proposal at one of the Joint Governing Bodies meetings about the Trucker's Association. He noted that Bud Oakley with Claire Ryan Consulting, LLC, which is a law firm, and Mr. Jim Carroll from Fluor Virginia, who is the executive director of sales, were at the meeting. Mayor Crewe stated among other things, what these individuals were stressing is that theoretically, VDOT would make the decision. He noted that VDOT has three options, among others he guesses. Mayor Crewe advised that VDOT can state that neither project goes forward, both projects go forward, or only one or the other project goes forward. He explained that the Council can review the numbers. Mayor Crewe advised that the Fluor Virginia proposal is a lot cheaper, a lot faster, and it does not require the kinds of financing that the Star Solutions' proposal requires. He noted that VDOT is supposed to decide Friday what to do and if they will advance either one of the plans or none of the plans. Mayor Crewe remarked that this announcement will be made on Monday, so, in a week, the Council will know whether VDOT is going to go anywhere with this. He noted that this is why Fluor Virginia is asking the Town to send a letter asking VDOT to do something and stating that I-81 needs to be improved. Mayor Crewe remarked that Fluor Virginia representatives advised that their proposal is based on safety on I-81, not congestion. He noted that Fluor Virginia is noting that there is not a congestion problem, but a safety problem. Mayor Crewe remarked that the Fluor representatives calculated the number of deaths per mile, which was approximately 23 on I-81 last year. He noted that Fluor representatives have calculated it and noted it is because there are not six lanes, three in each direction. Mayor Crewe reiterated that Fluor Virginia's proposal is faster and cheaper. He noted that Fluor Virginia is proposing six lanes all of the way through. Mayor Crewe remarked that Fluor Virginia has noted that they can improve all of I-81, but they have given attention to the sections of I-81 that need to be changed for safety reasons. He noted that Fluor Virginia did not, for example, in the four proposals, talk about redoing interchanges. Mayor Crewe stated that Fluor's explanation today is that VDOT already has a program for the interchanges, and Fluor is suggesting for VDOT to continue what they are doing on the bridges and the interchanges because it needs to be done for safety reasons. He noted that Fluor noted that they did not put these in their price list because they are not going to do the bridges and interchanges since VDOT is already taking care of them and for VDOT to continue with these. Mayor Crewe advised that Star Solutions had not released all of its proposal until a week or so ago and had not released all of the details of their funding and how they were going to pay for it. He remarked that VDOT has noted they had to have all of Star Solutions' proposal, and it was sent to VDOT and is now available on the VDOT web page as of last Friday. Mayor Crewe stated that according to Fluor, if a person runs the most optimistic numbers on tolls and all of the bonds, etc. that Star Solutions has, they come up \$8.1 billion short of paying for the entire process. He advised that Fluor Virginia's proposal pays for itself, so Fluor Virginia is tallying the financial aspect. Vice-Mayor King inquired if Fluor's proposal pays for itself without the truck toll. Mayor Crewe noted that the proposal will pay for itself with the truck toll. He indicated that Fluor Virginia has a \$10 toll on trucks and a \$3 toll on cars in their package, and these are the estimated figures they are considering. Mayor Crewe remarked that Fluor has not figured out how the tolls will be done, but the way it will impact the Town, if the Council reads the 200+ page document, is that Fluor's proposal proposes three toll booths on I-81 with one being at the Bristol, Tennessee, line; one being where the I-64 and I-81 interstates split; and one being where I-77 and I-81 split. He noted there would be one tollbooth in this area. Mayor Crewe remarked that what they were discussing is that suppose a person lives on one side of the tollbooth, and his/her office is on the other side of the tollbooth, they will be going through it everyday and how this would work. He explained that it is up to negotiation, and they could do whatever they wanted to. Mayor Crewe advised that Fluor would offer an electronic, cheap rate, and a person could buy a fast pass like in Northern Virginia, or Fluor is amenable to the suggestion that a person could purchase a local pass. He noted, for example, if a person lived in Fort Chiswell and worked in Wytheville and had to go through a tollbooth twice per day, the person could purchase a ticket that would electronically transmit, and the person would not have to slow down, and they would collect fees without slowing traffic, and this is what they are planning to do. He noted this would get a person through the tollbooth in Wytheville without having

to pay anything for an unlimited number of times, but if a person went to Winchester and passed two more tollbooths, the person would have to pay the other two places they went, and it would work in this area but nowhere else. He indicated that Fluor Virginia's proposal is not based on the number of miles, but as they explained it, it is on the number of axles at three different points along the interstate. Mayor Crewe remarked that if a person traveled Route 11 and went around the tollbooth, there would be no toll. He advised that Fluor Virginia has to factor all of this in what they are doing. Mayor Crewe explained that there were representatives from Dublin, Pulaski County, Town of Pulaski, Radford, Christiansburg, and the Town of Wytheville, and Fluor Virginia requested for them to write a letter to VDOT stating they need to do something to make improvements to I-81. He remarked that if the Town has a particular emphasis on the interchanges being improved, or anything else that the Town needs to relay to VDOT, to write VDOT before Friday to state this is what needs to be reviewed and this is one of the things to be considered in deciding what to do about I-81. Mayor Crewe remarked that as the representative from Fluor Virginia noted, they are talking about several billion dollars worth of engineering work to go beyond where they are now, and to make the proposal, they had spent a lot of money, but it is nothing compared to what they will spend once VDOT advises them to go ahead and perform the engineering studies and design the interstate because they have not done any of this since they were not required to. Mayor Crewe noted that for anyone who would like to review the information, it is available. He remarked that affected jurisdictions received this book. Mayor Crewe remarked if the Council has not seen it, there is a paragraph that talks about an economic development tool in Wytheville. Mayor Crewe remarked that the book is the "nuts and bolts" of their plan. He stated that today, they gave him a conceptual proposal, which is kind of an executive summary, and inside this, is a side-by-side comparison on both pages of the Star Solutions' proposal and Fluor Virginia's proposal that the Council can review. Mayor Crewe remarked that if any of the Council members have questions, they will try to answer them, but Fluor Virginia is clearly on the fast track, and this is going to be moving. Councilman Crockett stated that Fluor Virginia is talking about three lanes in each direction. Mayor Crewe advised that is correct. Councilman Crockett noted that certain sections of I-81 already have three lanes, and the local overlay has three lanes, and, of course, this is obviously not adequate at this time. Mayor Crewe remarked that Fluor Virginia's proposal, and noted there are diagrams in the book, would add an additional lane in the median so they will not have to purchase right of way where possible. He explained that they have, in ten places, added a truck-climbing lane, and noted that Christiansburg mountain is a good example. Mayor Crewe remarked that the inside lane, the closest to the median, would be a cars-only lane, and there would never be a truck in that lane. He explained that trucks could be in the other two lanes, but the only time cars would have to be in those lanes is when they are getting on or off the interstate. Mayor Crewe advised that they would have one lane dedicated solely to the car traffic. Town Manager Sutherland indicated that, for example, Christiansburg mountain, which now has three lanes, would have four lanes. Mayor Crewe noted that Fluor Virginia is concentrating on I-81, and, obviously, what happens on I-77 and the overlay has something to do with this. He stated that the representative from Fluor Virginia advised that this is outside the scope of this Public-Private Partnership Act request. Mayor Crewe advised that the proposals VDOT asked for deal only with Interstate 81, and are largely irrelevant to the fact that I-77 overlays I-81 for 13 miles. He noted that Fluor Virginia has some engineering issues with it, but it is not a part of their design. Town Manager Sutherland indicated that they did not get that far today, but if they are talking about between Wytheville and Fort Chiswell having four lanes rather than three lanes, it is probably possible to place the lane within the current right of way. Mayor Crewe advised that the other issue that Fluor Virginia representatives talked about, and noted he thinks he has the numbers correct, is that two lanes in each direction can handle up to 80,000 vehicles per day. He advised that their numbers calculate about 40,000 vehicles per day currently on I-81. Mayor Crewe indicated that I-81 is currently at 50 percent of its design capacity. He noted that by adding a third lane to the entire length of I-81, it makes it a 120,000 vehicle capacity, and assuming that it is 40,000 currently, it would be at one-third of its capacity. Mayor Crewe remarked that in the places where there would be four lanes in each direction, Fluor Virginia is stating there would be a 160,000 vehicle capacity, and I-81 would be at 25 percent of its capacity. He stated that Fluor Virginia advised that it would be a wider slot in which to place vehicles. Mayor Crewe remarked that there would be no physical barrier between cars and trucks, but the right two lanes would be open for trucks, and the left lane would be open only for cars. He noted that the legislation now allows for this because if everyone notices, between Wytheville and Fort Chiswell there are no trucks in the left-hand lane, and this type of designation is what Fluor Virginia plans to do. He reiterated that Fluor Virginia is on the fast track, and they expect a decision by Friday. Mayor Crewe remarked that as Fluor Virginia stated, VDOT has been meeting their deadlines

lately so they think VDOT will make a decision. Councilman Crockett advised in that particular situation, they would not be building as much as Star Solutions would be building. Mayor Crewe advised that is correct. Councilman Crockett inquired as to what target dates Fluor Virginia has for completion of all of I-81. Town Manager Sutherland stated that Fluor Virginia's target date is for completion in six years. Mayor Crewe remarked that Fluor Virginia representatives advised that they would be doing the improvements in 20-mile increments on both sides of the interstate. He explained that there would be three 20-mile segments per year torn up for six years, but they would keep two interstate lanes open. Mayor Crewe advised that the way the proposal is written, they are required to keep two lanes open for traffic, although it would be at a reduced speed limit while they are working. He noted that Fluor's proposal is that the work would be completed by 2011, and Star's proposal is the work would be completed in 2019. Mayor Crewe remarked that for additional right of way, Fluor's proposal states that practically no right of way is required, and Star's proposal states there needs to be more right of way for which VDOT is at risk. He noted for the effect on property owners, Fluor's proposal has little to no effect on property owners, and the interchanges will remain unchanged, and expansion would be within the existing right of way. Mayor Crewe advised that Star's proposal is for major displacement of structures and private property required for widening to virtually the interchange. He noted that for a project description, Fluor's proposal adds one cars-only lane in each direction, plus 10 truck-climbing lanes at appropriate locations, and the left lane would be for cars only, and entrance and exit maneuvers would work as they do currently. Mayor Crewe explained that Star's proposal adds four truck-only lanes, no cars-only lanes, and trucks are separated from cars by barriers on the truck's blind side, and truck access points require significant mixing with cars. He noted that this is where Star Solutions has the overlays and the butterfly bridges, etc. Mayor Crewe remarked that Fluor's proposal states few bridges and interchanges would be built only where necessary, further reducing destruction to local traffic patterns. He noted that Star's proposal states that all interchanges and bridges on I-81 would need to be expanded and reconstructed to separate the cars and the trucks. Mayor Crewe advised that Fluor's numbers are \$1.84 billion in escalated dollars, and Star's numbers are \$9.91 billion, which is a big difference. He noted that the Fluor team is proposing a \$.10 per mile average for trucks, which is \$10 at each of three toll booths, or \$30 for a 325-mile trip, and cars would pay \$.03 per mile, which is \$3 at each of three toll booths, or \$9.00 for a complete 325-mile trip. Mayor Crewe advised that in Fluor's proposal, local traffic would be free with a discounted rate for frequent travelers. He remarked that Star's proposal is \$.274 cents per mile for heavy commercial vehicles, which is \$89 for the entire trip. Mayor Crewe advised that for cars, Star's proposal is not proposing a toll on cars, but only on trucks. He noted that for the tolling plazas, Star's proposal states an electronic toll collection at all entrances and exits for the truck-only lanes, and alternative concepts call for six main lane barriers in each direction to toll the non-truck traffic. Mayor Crewe advised that Fluor's proposal calls for three toll plazas -- one north of Winchester, one between Staunton and Lexington, and one in the Wytheville area. He stated there are pieces of this information and explained that there is not much information for rail. Mayor Crewe remarked that Fluor's proposal did not have much success working with Norfolk and Southern, but there is some information in the proposal about it. He noted that it is in the New Market area from Manassas to Hay Market for rail passenger improvements. Mayor Crewe stated that Fluor's proposal also provides to manage the highway and to keep it in repair and perform maintenance for 20 years after construction is completed. He noted that Star's proposal only has a limited 20-year warranty for the pavement, according to Fluor's comparison. Vice-Mayor King inquired as to what Fluor Virginia would like for the Town to do. Mayor Crewe stated that Fluor Virginia is requesting for the Town to write VDOT and tell them to do something to push these proposals forward that need to be reviewed. He noted that representatives from Fluor Virginia advised that they would be very happy if the Town would write VDOT and tell them that Fluor Virginia's proposal is better than Star's Solution's proposal, but they realize that the Town is not going to do that. Mayor Crewe indicated that Town Manager Sutherland asked them the question if the Town sent VDOT a letter recommending the Fluor Virginia plan and to trash Star Solution's plans, and VDOT goes with Star's proposal and trashed Fluor's proposal, what type of payback would there be. He noted that Fluor Virginia advised that they did not think there would be a payback because it is a proposal. Mayor Crewe indicated that it was a very informal meeting, and a lot of information was exchanged, and it is available if the Council would like to read it. He noted the Council could watch this topic in the future. Mayor Crewe stated his thought is that if the Town wants to be a player, maybe it is time to fax a letter to VDOT and state the Town has safety concerns with I-81, and that VDOT needs to continue to make sure I-81 gets improved somehow. He noted in the Council's discussion, they have talked about the interchanges being problematic with the malfunction junction, etc., and the

Council may want to put something in the letter to concentrate on improving the interchanges. Mayor Crewe remarked that he does not think the Council should pick one plan over the other, and he does not think the Council has the expertise to do this. Town Manager Sutherland stated he received a note from Mr. Ray Pethel today who stated if the Council comments, they may want to also emphasize that the corrective action on I-81 at the I-77 vicinity should take top priority when they are programming the construction, and this vicinity should take a top priority. Mayor Crewe inquired as to what the Council thinks regarding this matter. Councilman Crockett stated two things that keep hitting his mind on this proposal is that one, Fluor Virginia has avoided ever bringing up the fact that I-77 is a player in all of this. He noted they do not apparently want to admit this. Councilman Crockett stated that secondly, I-74, that North Carolina and West Virginia have but Virginia does not have, comes into play, but whether this will eventually impact the traffic through Virginia or not, he does not know. He remarked that they want to continue to push back I-77 and I-74, and noted he does not know how they can consider I-81 and not look at the overlay in this area as well as I-64 up in the valley because there is a section of I-64, which has the same situation. Councilman Crockett noted he does not think the I-64 and I-81 overlay is as bad as the I-77 and I-81 overlay. He stated the other thought he has about this proposal is it is something that is going to take place in another 15 or 20 years if it is not widened to a wide scope and more so than they are basically talking about. Councilman Crockett reiterated that they will have to go back and redo this again if it is not widened a lot. Mayor Crewe stated the short answer to this is that VDOT is requiring this. He noted the representative today indicated that they know that I-77 has to be factored into this because there is an overlay, but VDOT does not want that done. Mayor Crewe indicated that Fluor Virginia is adding one lane to I-81 and not touching I-77 although it is the same pavement. He noted the Fluor Virginia representative advised that this is the way VDOT rules require the proposal to be done. Councilman Crockett advised that at the meeting he and Town Manager Sutherland attended in Bristol a couple of years ago, it was the first time they had ever heard anyone admit that I-74 existed. He noted the person finally stated that I-74 will be a player in all of this at some point. Councilman Crockett stated he is not speaking against the project when he states this, but he is stating that it seems like they are overlooking something. He noted that probably what Town Manager Sutherland is referring to is that if the Town writes a letter, possibly it should state that the Council is extremely concerned about the overlay in this area or something to this effect. Councilman Crockett noted the Council could state that they feel that I-81 needs to be improved, and noted he thinks the Council would be foolish to favor one proposal over the other even though he thinks each proposal has some advantages and disadvantages. He reiterated he thinks the Council would be wrong to support either plan except to state that the Town is extremely concerned about the highway improvements to that section and also to consider the possibility of putting a high priority on the I-77 and I-81 section. Mayor Crewe stated that possibly the Council could send a letter stating they want to ensure that VDOT continues to focus on the issue of the safety of I-81, but not to lose sight of the fact that they are concerned about the I-77 overlay and the impact of I-73 or I-74 because they have been numbered various ways. Vice-Mayor King stated that I-73 will go from Roanoke to North Carolina. Mayor Crewe stated that theoretically that is correct, but they are still negotiating about where this is going to go. Vice-Mayor King inquired as to which interstate it is that they have built the interchange for in Bluefield and if it is I-73 or I-74. Councilman Crockett stated if it is in Bluefield, it is probably I-74, but noted he is not sure where the I-73 comes in. He noted he thinks that I-73 cuts off near Princeton somewhere. Mayor Crewe noted he thinks that I-73 cuts off between Princeton and Bluefield. Councilman Crockett stated that is correct. Vice-Mayor King pointed out that she has not been to Bluefield in a long time, but it was before you get to the Mercer Mall. Councilman Jones advised that it is off of Route 52. Vice-Mayor King stated that is correct. Mayor Crewe inquired if the Council wanted Town staff to prepare a letter for his signature to be faxed to VDOT that states the Town would like for VDOT to continue to pay attention to I-81 because the Town has safety concerns, and request VDOT to watch the I-77 overlay plus any additional interstates such as I-73 or I-74 that may come through this area. Vice-Mayor King stated she would like for a letter to be written. Councilman Crockett indicated that he thinks the Town should definitely mention the possibility of I-74 as well as I-77 in the letter. Mayor Crewe remarked that when a person views the maps, there are four construction companies including Fluor Construction, Peter Keywit Construction, Southern Granite, and Lane Construction. He noted the way this is divided, there is one-third each, and Lane Construction and Southern Granite perform the improvements on the southern third of the interstate, Keywit Construction performs the construction on the middle third of the highway, and Fluor Construction completes the construction on the northern third of the interstate. Mayor Crewe advised this is the way they have divided their project, and this shows on a couple of the maps when a person reviews them. Vice-Mayor King advised

that the Council should send a letter to VDOT. Mayor Crewe advised that by consensus, the Council will request Town Manager Sutherland to draft this letter for his or Town Manager Sutherland's signature, and it can be faxed to VDOT this week. He noted that for any Council member who desires to review the information, he will be glad to provide it to them.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, stated that at the last Council meeting, the Committee reported that they had received a request from the Wytheville Redevelopment and Housing Authority requesting the Council to waive the "annual payment in lieu of taxes" for both the current fiscal year and the next fiscal year. He advised that the amount of waiver sought totaled \$8,882.20 for each of the fiscal years for a total of \$17,764.40. Councilman Jones stated the Committee asked the Housing Authority to provide them with additional information concerning their financial situation to determine what hardships would be imposed on the Authority if the Council chose not to waive this annual payment. He indicated that at the Committee meeting on Thursday, three members of the Housing Authority Board (Mr. John Ward, Mr. Forrest Seagle, and Ms. Becky Huddle) appeared and discussed their request. Councilman Jones indicated that according to Board members, the Housing Authority is facing a thirty percent reduction in revenues from HUD, which equated to about \$60,000 over each of the two fiscal years. He noted that the Housing Authority Board members reported that they did, in fact, have funds in a reserve account. Councilman Jones advised that the Housing Authority Board members reported that the Housing Authority had recently completed construction of two dwelling units in the Granite Acres area and had recently purchased two acres of land off of Cassell Road for the construction of four additional dwelling units. He stated that the Board members noted, also, that they were in the final stages of acquiring some additional land on Cassell Road that would complement their most recent purchase and provide space for additional housing units. Councilman Jones remarked that Board members noted that they could make the payment in lieu of taxes out of these reserve funds, but it would negatively impact their plans to provide new dwelling units. He stated that the Board members reported that the waiting list for public housing continued to be long, and, currently, an average person remains on the list for about two years before getting a unit. Councilman Jones stated that the Committee believes that the Housing Authority provides an important service to citizens who need residential assistance, and, also, they would commend the Housing Authority for being innovative in providing additional dwelling units, and would not want these ongoing plans to be interrupted. He advised that as such, the Committee advised the Housing Authority Board members that it would be the Committee's recommendation to the Council that the Council waive the payment in lieu of taxes for the current fiscal year only. Councilman Jones stated the request for the waiving of payment for the next fiscal year would be evaluated at that time. A motion was made by Councilman Jones and seconded by Vice-Mayor King to waive the Wytheville Redevelopment and Housing Authority's payment in lieu of taxes for \$8,882.20 for the current fiscal year. Mayor Crewe inquired if there is any discussion on the motion. Councilman Crockett inquired if the Housing Authority has already paid the taxes in 2003. Town Manager Sutherland stated he would have to ask the Town Treasurer as to exactly when the payment is due, but he knows that it is time for the payment to be made, but they have not paid the payment. Councilman Crockett advised that he thought this is supposed to comply with the government's policy, and their fiscal year runs from October 1 to September 30. Mayor Crewe noted the Housing Authority's fiscal year runs from July 1 to June 30 of each year. Town Manager Sutherland stated he is unsure as to when the payment is due, but it is probably due regardless of what fiscal year because when the Housing Authority started and they had their first housing units, there was a memorandum of understanding executed between the Council and the Housing Authority in which it set forth that there would be an annual payment in lieu of taxes, but noted he is unsure if it stipulated a date. Councilman Crockett advised that he thought when the Council did this once before, four or five years ago, or the first year he was on Council, as he recalls, this was in July, but the Housing Authority had already paid the taxes, and it was his understanding that this was not going to be impacted until the next year. He advised that he wondered when the payment was due. Town Manager Sutherland stated that he does not know the answer to this question. Councilman Crockett indicated that he realizes that the budget the Housing Authority was talking about impacted them, because the government stated and he was also under the impression, that the Housing Authority was talking in terms of October 1 of 2003 and 2004. He stated that possibly he is wrong about this. Mayor Crewe advised that what the Board members stated Thursday morning is that the budget cut from HUD was in the last half of the Housing Authority's year, and they found out in December that they are going to be \$60,000 short, by June 30, on their fiscal year. He stated this was the way the Board members explained it, if he remembers correctly. Town Manager Sutherland advised Councilman Crockett that Town staff can find out the date the payment is due. Mayor Crewe stated the motion from the Budget and Finance Committee is to waive the payment in lieu of taxes for the current fiscal year only, which would be July 1, 2002, through

June 30, 2003, and this is the fiscal year the Town is currently in. He noted the Housing Authority is paying the payment on a fiscal year basis and not a calendar year basis. Councilman Crockett indicated that he would assume that sometime after July 1, 2003, the Housing Authority could come back with a second request if they are talking about two years. Town Manager Sutherland stated that is correct. Mayor Crewe inquired if there is any further discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., Charles G. Crockett. Against: None. Town Manager Sutherland stated that this amount of money is due in the Town's current fiscal year budget. Mayor Crewe advised that the payment is due before June 30, 2003. Councilman Crockett noted that, in essence, the Council is going to have the same issue arise. Town Manager Sutherland stated this issue could arise again on July 2, 2003.

Councilman Jones also reported that Town Treasurer Mike Stephens has requested the Budget and Finance Committee to review certain delinquent taxes that have become uncollectible under state law. He advised that State law provides that real estate taxes and mowing assessments that have been delinquent in excess of twenty years, and personal property/mobile home/machinery and tool taxes that have been delinquent in excess of five years cannot be collected, and, therefore, need to be removed from the books. Councilman Jones noted that the amount of real estate and mowing assessments to be written off is \$154.70, and the amount of personal property/mobile home/machinery and tool taxes to be written off is \$1,314.43. He stated it would be the recommendation of the Budget and Finance Committee that the Council authorize the Town Treasurer to write these amounts off of the accounting books. A motion was made by Councilman Jones and seconded by Vice-Mayor King to authorize Town Treasurer Mike Stephens to write off the Town books the amounts of \$154.70 for real estate and mowing assessments and \$1,314.43 in personal property/mobile home/machinery and tool taxes. Mayor Crewe inquired if there is any discussion on the motion. He noted there is not much discretion involved in this matter. There being no discussion, 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., Charles G. Crockett. Against: None.

Councilman Jones advised that the Committee would note, also, that the Treasurer has asked that the Committee review two other technical, but minor, changes to the Town's Code. He advised the first involves increasing the Town's charge to \$25 for persons who write bad checks for the payment of services. He stated that currently, the Town Code only authorizes a \$10 charge for a returned check, while the Town's bank is charging the Town \$9 for each return cost, and the Town's charges do not include the effort involved in making this process. Councilman Jones noted that secondly, the Treasurer has asked the Council to amend the Code with regard to giving written notice to delinquent taxpayers. He stated that currently, the language requires that the letter be sent by "registered mail." Councilman Jones remarked that the Committee believes that the intent of the Town Code was to provide some assurances that the taxpayer did, in fact, receive the correspondence and was not necessarily requiring that it be sent registered as opposed to certified. He noted that the Committee has asked the Treasurer to review options the Postal Service has available that will confirm the delivery of a letter. Councilman Jones stated the Committee will have more information on both of these topics at the next Council meeting. A copy of the Budget and Finance Committee report is attached and made part of these minutes.

Mayor Crewe advised that so everyone will be aware, Town Attorney Kaase is going through the Code regarding the lodging tax, and the State Code states it has to be sent registered mail rather than certified. Mayor Crewe noted that the difference in the cost of sending a letter by registered mail or sending it by certified mail is about \$4 per letter. He stated there is a "confirm receipt requested," and there is confirmation of delivery several different ways. Town Attorney Kaase remarked that he did not know if it is consistent, but he knows the Town had to give notice of a lodging tax recently, and the State Code required a registered letter. Mayor Crewe advised that currently, sending a registered letter is an expensive way to send a letter.

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Crockett, reporting for the Public Works Committee, stated that at the last Council meeting, the Committee reported that they had received a letter from Dr. Wes Asbury, Chief of Medical Staff at Wythe County Community Hospital, requesting that the traffic signal at the intersection of Fourth Street and Ridge Road be redesigned to increase the time available for vehicles proceeding north on Fourth Street to turn left (west) onto Ridge Road. He advised that as the Committee had noted, they felt that a potential solution would be to leave the signal permitting an exclusive left-hand turn followed with an all green phase where vehicles turning left would yield to oncoming traffic. Councilman Crockett indicated that the Committee asked the

Public Works staff to estimate the cost associated with these revisions. He stated that as it turns out, the expense associated with making these changes is only approximately \$800. Councilman Crockett commented that initially, the Committee had thought that the cost would be much higher. He stated given that these changes would facilitate the turning movements at this intersection, it would be the recommendation of the Public Works Committee that the Council proceed with this change. Mayor Crewe inquired if any Council member has any questions, comments, or opposition to making the change to this signal light. Councilman Jones stated the change is acceptable to him. Town Manager Sutherland advised that this change will make a lot of the doctors happy. Mayor Crewe advised that the Council will proceed with making this change.

Councilman Crockett also reported that Director of Public Safety Albert Newberry presented information to the Committee concerning the need for new signs at various locations in town. He advised that as the Council is aware, at each entrance to the corporate limits, there are signs that note the speed limit is 25 miles per hour unless otherwise posted. Councilman Crockett stated that unfortunately, vehicles that exit the interstate at various locations have not passed the sign denoting the speed limits. He indicated that as such, some persons have used this as a defense in speeding ticket cases. Councilman Crockett remarked that Mr. Newberry has contacted the Virginia Department of Transportation, and they have agreed on the locations where these new signs can be installed to alert traffic exiting the interstate. He stated that the Committee authorized these signs to be erected and are bringing this to the Council for informational purposes. Councilman Crockett noted that the Committee would note, also, that they authorized the installation of several "no parking" signs. He advised that in particular, the Town is having trouble with tractor-trailer trucks parking on public streets within the new Wytheville Commons shopping center. Councilman Crockett noted that at one location, Virginia Avenue, which is the street adjacent to McDonald's, tractor-trailer trucks are parking along both sides of the roadway, essentially blocking the travel way. He advised that currently, there is no prohibition on parking, and, clearly, this street, which serves the Hospital, needs to remain open. He stated there are similar situations occurring on Commonwealth Drive, which is the road going into the shopping center. Councilman Crockett explained that at both of these locations, signage is needed to either ticket or remove illegally parked trucks. Mayor Crewe inquired if any of the Council members have any problems with erecting the signs so these locations would not have trucks parking. Councilman Jones noted he does not have a problem with erecting the signs. Mayor Crewe advised that since there are no problems, the Council will ask Town staff to erect these signs. Town Manager Sutherland stated if someone goes to the shopping center, they can watch the trucks come off of the interstate into the shopping center. Councilman Jones stated that one day, he passed three trucks coming out of the shopping center. Town Manager Sutherland stated the number of trucks entering the shopping center is phenomenal. Vice-Mayor King inquired if the Council has seen all of the trash that is against the fence at McDonald's. Town Attorney Kaase noted that he has seen the trash. Mayor Crewe inquired as to which fence Vice-Mayor King is referring to. Vice-Mayor King answered that if a person did not exit at the traffic light, but went out Virginia Avenue, all of the trash is against this fence. She noted also at Ruby Tuesday's, the vacant field is full of plastic bags, etc., and it looks terrible. Town Manager Sutherland stated that the Town will contact the developer. Mayor Crewe indicated that Mr. Scoggin may need to know about this problem. Vice-Mayor King stated that Town staff can advise Mr. Scoggin that everyone likes to keep Wytheville beautiful. A copy of the Public Works Committee report is attached and made part of these minutes.

Mayor Crewe advised that the Public Works Committee meeting scheduled for Tuesday, February 13, 2003, has been canceled.

RE: APPOINTMENTS - WALL OF HONOR COMMITTEE, BOARD OF ARCHITECTURAL REVIEW

Mayor Crewe stated the next agenda item is the consideration of several appointments. He noted the first appointment is to the Wall of Honor Committee to fill the expiring term of Mr. Robert Fowlkes whose term expires February 11, 2003. He noted that the Town has received a letter from the Sports Hall of Fame Committee recommending that Mr. Fowlkes be reappointed. Mayor Crewe noted the second consideration of an appointment is the Board of Architectural Review to fill the expiring term of Ms. Theresa Burris whose term expires February 27, 2003. He remarked that Ms. Burris has indicated that she would be willing to serve again if reappointed, and she is eligible for reappointment. A motion was made by Vice-Mayor King and seconded by Councilman Jones to reappoint Mr. Robert Fowlkes to the Wall of Honor Committee and to reappoint Ms. Theresa Burris to the Board of Architectural Review. 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., Charles G. Crockett. Against: None.

RE: A-95 REVIEW

Mayor Crewe stated the next agenda item is the consideration of an A-95 Review of District Three Public Transit for the purchase of one, 19-passenger van to provide transportation for elderly and disabled persons. He remarked that there is no money required from the Town for the purchase of this van. Mayor Crewe noted that the application does not state where the van will be located, so it could be located anywhere in the Mount Rogers region for District Three. Mayor Crewe advised that theoretically, this area could end up receiving this van. He noted that the Council has the usual comments of anything from no comment to favorable review. A motion was made by Vice-Mayor King and seconded by Councilman Jones to give a favorable review to the A-95 Review of District Three Public Transit for the purchase of one, 19-passenger van to provide transportation for elderly and disabled persons. 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., Charles G. Crockett. Against: None.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION

Mayor Crewe stated that Town Manager Sutherland received a letter from the Virginia Department of Transportation that states if someone pays the extra fee to purchase a vehicle license plate that supports dog and cat sterilization, the Town receives the money, and there was \$30 generated from these license plates last year. He advised that the Town has to use the money for the cat and dog sterilization program.

RE: SOUTHEASTERN RURAL COMMUNITY ASSISTANCE PROJECT

Mayor Crewe advised that for the Southeastern Rural Community Assistance Project, for their Virginia Water Project, there is a questionnaire that the Town has received in past years, and they would like for the Town to complete the questionnaire and send it back. He remarked that the reason this caught his attention is that this is one of the sources of funds that Mr. Wally Cox was talking about for the low-interest loan. He noted that the Town could complete this questionnaire and fax it back to the Southeastern Rural Community Assistance Project.

RE: COUNCIL NOTEBOOK COVERS

Vice-Mayor King stated she would like to thank Town Clerk Hackler for preparing the Council notebook covers. Town Clerk Hackler stated that Computer Operations Manager Henley prepared the notebook covers. Vice-Mayor King stated that the picture on the notebook cover is what the Town's decal will look like.

RE: SERVICE CAB COMPANY

Councilman Crockett inquired as to the status of Service Cab Company and if they are now completely nonexistent. Mayor Crewe stated his understanding, and noted it came from Ms. Ruby Ferguson, is that Service Cab Company is out of business. He advised that Ms. Ferguson noted that they thought they had the business sold, but the purchaser could not obtain the loan but is still trying to acquire the loan. Mayor Crewe advised that Service Cab Company has a contract of sale, but the sale has not been completed because the purchaser did not obtain the loan. Town Manager Sutherland noted that Vice-Mayor King called him one day, and he tried to call the cab company to inquire, but the telephone had been disconnected. Vice-Mayor King noted that on Friday, she was traveling on Spring Street and turned right at the stop sign, near Mr. L. C. Ferguson's house. Vice-Mayor King noted there is a driveway between Mr. Ferguson's home and his mother's home, and all of the cab cars are parked there. Mayor Crewe advised that the Fergusons will be moving from those two houses because they are building a duplex. Vice-Mayor King inquired as to what is wrong with Mr. Ferguson. Councilman Jones and Mayor Crewe advised that Mr. Ferguson underwent heart surgery, and it was successful, but it did not cure all of his problems according to his mother. Vice-Mayor King inquired if Mr. Ferguson's home and his mother's home will be torn down. Mayor Crewe stated he did not know if the homes would be torn down or sold. Vice-Mayor King inquired if Mr. Ferguson owns the building where the cab company is located. Mayor Crewe stated he thinks Mr. Ferguson owns the building, but he is not positive of this fact. Vice-Mayor King inquired if the Council recalls when the video store was complaining about the curb and the realignment of the street or if it was the cab company complaining about the video employees parking on Service Cab's property. Mayor Crewe advised that the video store and the cab company have each complained about the other.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (8:00 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, CMC, Clerk of Council

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