

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, APRIL 12, 2004, AT 7:00 P.M.**

Members present: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, Charles G. Crockett

Members absent: John W. Jones, Jr.

Others present: Town Manager C. Wayne Sutherland, Jr., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon P. Hackler, Town Attorney Robert P. Kaase, Patrol Officer John Humphrey, Danny Gordon with WYVE/WXBX, Stephanie Porter-Nichols with Wytheville Enterprise, Kim Ridpath, Troy Lawson, Amanda Gordon, Brandon Bentley, Judson Lambert, Anne B. Crockett-Stark, Agnes Eades

RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE

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

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of March 22, 2004; the request of the National Day of Prayer for waiver of fee for use of the Elizabeth Brown Memorial Park on May 6, 2004; the request of the Virginia Cooperative Extension for waiver of fee for use of the Community Center on April 26, 2004, for an agri-tourism meeting; the request of the Brock Hughes Free Clinic for issuance of a raffle permit for 2004; the Certifications of Local Approval for the nonprofit applicants by the Family Resource Center, Incorporated and Crossroads Shelter, Incorporated; and the request of the Wytheville Lions Club for the waiver of business license fees and inspection fees for the charity carnival scheduled for July 12 through 17, 2004. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to approve the consent agenda consisting of the minutes of the regular meeting of March 22, 2004, the request of the National Day of Prayer for waiver of fee for use of the Elizabeth Brown Memorial Park on May 6, 2004, the request of the Virginia Cooperative Extension for waiver of fee for use of the Community Center on April 26, 2004, for an agri-tourism meeting, the request of the Brock Hughes Free Clinic for issuance of a raffle permit for 2004; the Certifications of Local Approval for the nonprofit applicants by the Family Resource Center, Incorporated and Crossroads Shelter, Incorporated; and the request of the Wytheville Lions Club for the waiver of business license fees and inspection fees for the charity carnival scheduled for July 12 through 17, 2004. Mayor Crewe inquired if there is any discussion on the motion. Councilman Crockett stated he would assume with the exception of the National Day of Prayer request and the Virginia Cooperative Extension request that all of the remaining organizations would be 501(c)(3) organizations and inquired if that is correct. Mayor Crewe advised that is correct. He indicated that the Virginia Cooperative Extension is a governmental function. Mayor Crewe remarked that actually, if the Council reads the request for the National Day of Prayer, it is on behalf of several churches. He noted that depending on which church was chosen or how this was considered, they would also be 501(c)(3) with the churches involved. Councilman Crockett stated he did not know if some of the churches have a 501(c)(3) status. Mayor Crewe noted he is aware of some churches that have this status, but he does not know if all churches have a 501(c)(3) status. Councilman Crockett indicated that he knows the Council has made these approvals before, but he was curious. Mayor Crewe inquired if there is any other discussion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, Charles G. Crockett. Against: None.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period. He noted he did not see anyone on the sign up sheet who indicated they desired to address the Council. Mayor Crewe inquired if there are persons present who wish to address Council during Citizens' Period. There being none, he proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The Town received today from the Virginia Municipal League the solicitation for nominations to the Legislative Policy Committees. If any Council member is interested in serving on a committee, Town staff will be glad to turn their names in to the Virginia Municipal League. Town Manager Sutherland advised that he is unsure if any of the Council members served on any of the Legislative Policy Committees last year.
2. Last week, the Town received a report from an organization known as ISO or Insurance Services Office. This organization evaluates communities in terms of their ability for fire safety for insurance purposes. There are two kinds of evaluations, and one the Town went through not too long ago involved an inspection of the fire equipment and fire personnel, etc. The Town did very well on this inspection. The evaluation the Town just went through most recently was a review of the Town's Building Inspection Department and how all of those permits are issued, how plans are reviewed, and various other components. There are two branches of this review, and the ISO does both a commercial and a residential review in terms of how the Town evaluates those plans, etc. The Town fared well with the evaluation. Prior to this review, the Town had a score of "4" for residential and "4" for commercial. Town Manager Sutherland explained that the lower the score, the better the evaluation. This time, the Town received a "2" ranking for residential and a "3" ranking for commercial. As of today on the ISO web site chart that lists the different locality rankings, there are no other communities in Virginia that have a residential ranking of "2," and this is excellent. For the ranking of "3" for commercial, there are only 15 communities in Virginia that have this low of a ranking. Certainly, Building Official Massie is to be congratulated on his efforts to achieve these scores. Why these scores are important is this is the information the insurance company uses in setting rates. Depending on the ISO rating for a community, this is how the insurance company determines the amount of the insurance policy. Town Manager Sutherland indicated that he thought this was good information, and he wanted to share it with the Council. He reiterated that Building Official Massie is to be commended for achieving such a good score. Mayor Crewe noted that the Council appreciates the Inspection Department's efforts that resulted in these scores.

Mayor Crewe inquired if there are any other items of Old Business. Councilman Crockett advised that he has some items he would like to discuss at the end of the meeting. Mayor Crewe stated he will make a point of recognizing Councilman Crockett at the end of the meeting. There being no further Old Business to be reported, Mayor Crewe proceeded with the agenda.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, stated that over the past two weeks, both Committees of the Council have reviewed the revenue side of the proposed budget for fiscal year 2004-05. She stated that essentially, the revenues in the Town's budget consist primarily of broad categories such as local taxation, charges for services, revenue from the Commonwealth, loan proceeds, and funds generated from water and sewer services. Vice-Mayor King advised that the information the Town has available to date indicates that revenues received from local taxation are either remaining constant or showing some slight growth. She noted that taxes in this broad category include real and personal property taxes, business license taxes, and meals and lodging taxes. Vice-Mayor King stated the Committee would note that the increase that was imposed on the meals and motel taxes in September is generating the funds that were predicted, and please also recall that these funds are committed to the debt service on the new Community Center project. She advised that the revenues anticipated for local services such as permit fees, burial fees, etc. appear that they will remain fairly constant with the current year's numbers. Vice-Mayor King noted that revenues that are to be received from the Commonwealth for categories such as police funds, fire funds, highway funds, and other various categories are unknown at this time. She explained the Town would hope that these funds would at least be at levels similar to this year and not cut any further. Vice-Mayor King stated the amount of money the Town has received from the Commonwealth in the current budget is significantly less than has been received in prior years. She advised that revenues from loans have not yet been totally identified in the budget, but, no doubt, will include revenues for projects such as the Community Center and other water and sewer improvements. Vice-Mayor King stated that finally, the Committee would note that the revenue from water and sewer service appears it will be similar to the Town's current year level of funding. She advised that there have been significant improvements to the Town's water and sewer system over the past few years, and, still, a number of improvements have yet to be made. Vice-Mayor King noted that obviously, the revenues required for the water and sewer fund will need to be closely evaluated during this budget process. She remarked that originally, the Town had scheduled a budget work session to consider revenues at this meeting, but since all of the Council has now had the opportunity to review the revenue side of the budget, and since Councilman Jones is

not in attendance, the Council has chosen not to have the work session at this meeting. Vice-Mayor King noted that the Council will, however, have the work session on the appropriations side of the budget at the April 26 meeting of Council.

Vice-Mayor King also reported that there are two activities coming up in which it appears that the Town will be a participant. She advised that the state of Virginia will observe the four hundredth anniversary of Jamestown in 2007, and the state is actively soliciting communities to be a part of this statewide celebration. Vice-Mayor King explained that the Town's participation in the Jamestown 2007 program would make the town identified as a "Virginia 2007 Community." She noted what this basically means is that the town would be designated as an official community and would be involved in the yearlong celebration. Vice-Mayor King advised that the Town would be included in all of the press and public relations that are going on nationally and internationally. She stated many of the Town's neighboring communities have already declared their participation in the program. Vice-Mayor King advised that though it does not require an official Council action, the Committee would like the minutes to reflect its recommendation that the Town proceed with participating in this statewide activity. Mayor Crewe indicated that the minutes will reflect this recommendation. He advised he knows both Council Committees have discussed this, and he does not think the Public Works Committee had any problem with participating in the Jamestown 2007 program. Mayor Crewe stated that by consensus, the Town of Wytheville will be a participant in the Jamestown 2007 program.

Vice-Mayor King indicated that secondly, the Committee would note that the Town has been contacted by the Capitol Holiday Tree Steering Committee. She explained that each November, the nation's Capitol Holiday Tree is cut from one of the national forests and taken to Washington, D.C. to be lit in a ceremony on the U. S. Capitol lawn. Vice-Mayor King noted that this year, for the first time, this tree will come from Virginia. She stated the Capitol Holiday Tree Steering Committee is hoping to have a series of ceremonies across the state as the tree is transported to Washington. Vice-Mayor King remarked that the Steering Committee has invited Wytheville to be one of the celebration stops along the route. She stated the Steering Committee has also sent the Town a questionnaire so that they can determine if there are sufficient resources in Wytheville that the entourage can stop overnight and protect the tree. Vice-Mayor King advised that the Town has responded to this questionnaire, and would imagine that Town staff will be hearing from the Committee in the very near future. She noted if Wytheville is chosen as a stopping point, the Town will necessarily need to plan some type of community celebration. Vice-Mayor King advised that the Committee will bring more details to the Council once they are available. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Weisiger, reporting for the Public Works Committee, stated that the Town has received bids for its annual milling and paving program, which consists of about 12,933 yards of milling and the application of 4,596 tons of asphalt. He stated the low bidder, among four bidders, was the W. L. Contracting Company out of Chilhowie, Virginia. Councilman Weisiger advised that the bids are based on the price per square yard for milling and a price per ton for asphalt. He stated that based on the Town's estimates, the total bid for the improvements is \$209,578 out of the \$225,000 budgeted this year. Councilman Weisiger stated that as the Council knows, this number may vary slightly depending on the estimated areas varying somewhat. He remarked that the streets that will receive improvements are scattered in a number of locations throughout town, but the most visible locations that will be milled and repaved include Fourth Street between Monroe and Marshall Streets, Main Street between Fourth and Eleventh Streets, and Calhoun Street between Withers Road and the railroad. Councilman Weisiger advised that the notice to proceed has been issued to the contractor, and the Committee would anticipate that they will mobilize to town within the next couple of weeks.

Councilman Weisiger also noted that as the Committee reported at the last meeting, they have asked the Police Department to increase its use of radar in an effort to reduce speeding around town. He stated it appears that these efforts are working, and the Town plans to continue these levels of enforcement for the immediate future. Councilman Weisiger advised that the Committee would also note that the new Parking Enforcement Officer is working diligently and continues to issue tickets for exceeding the parking limits, but also for handicap parking space violations. He stated the other issue for which the Committee continues to search for a solution is vehicles that make u-turns in mid-block on Main Street to park in a space on the opposite side of the road from which they are traveling. Councilman Weisiger explained that this creates a dangerous situation, and the Committee is looking for methods of enforcement that are available to the Town. He stated that all of this is just a matter of information for the Council, and no other action is needed. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY – PREMIER TAXI SERVICE, LLC

Mayor Crewe stated the next agenda item is scheduling a public hearing to consider issuing a Certificate of Public Convenience and Necessity during 2004 for Premier Taxi Service, LLC for the operation of taxicabs. He noted the Council will see in their packet that the Premier Taxi Service has already insured the vehicles, and the vehicles will need to be inspected by the Police Department. Mayor Crewe explained that the Council will need to schedule a public hearing, and the quickest the public hearing could be scheduled would be May 10, 2004. He inquired if anyone has any problems with scheduling the public hearing for the May 10, 2004, meeting. Councilman Weisiger noted there is no problem with scheduling the public hearing for the May 10, 2004, meeting. Mayor Crewe advised that the owners of the taxi service are attending the meeting, and he did not know if they desired to address the Council. He stated the Council is glad to have them in attendance and would be glad to hear from them. Mayor Crewe indicated that the Council cannot advertise for the public hearing any earlier, and, therefore, May 10, 2004, is the earliest date the public hearing can be held. He advised that unless someone has an objection, the Council will schedule the public hearing to consider issuing a Certificate of Public Convenience and Necessity during 2004 for Premier Taxi Service, LLC for the operation of taxicabs for the May 10, 2004, meeting.

Councilman Crockett inquired if the Blue & White Cab Company has completely discontinued their service. Mayor Crewe answered that he did not know if the Blue & White Cab Company is still operating and noted he did not know if Ms. Ridpath or Mr. Lawson knows. He advised that yesterday, he passed both cabs in town, and he is unsure if Blue & White Cab Company is operating or if it is a Blue & White Cab vehicle passing through town. Mayor Crewe stated he has not called the Blue & White Cab Company telephone number to see if the business is operational. Mayor Crewe advised that Mr. Lawson is indicating that Blue & White Cab Company is no longer operating. Mr. Lawson stated that Blue & White Cab Company is no longer operating in the town.

RE: A-95 REVIEW

Mayor Crewe stated the next agenda item is the consideration of an A-95 Review of the Wythe County Board of Supervisors for water and waste disposal systems – Fort Chiswell Water Extension West, Phase 2. He explained that there are no local funds in this, and there is \$1,231,600 in Federal funds. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to give a favorable review to an A-95 Review of the Wythe County Board of Supervisors for water and waste disposal systems – Fort Chiswell Water Extension West, Phase 2. Mayor Crewe inquired if there is any discussion on the motion. He advised that he did not know if Ms. Crockett-Stark desired to address the Council regarding this matter. Ms. Crockett-Stark advised that since the Council gave the A-95 Review a favorable review, she did not desire to address the Council. Mayor Crewe thanked her for attending the meeting. He 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, William B. Weisiger, Charles G. Crockett. Against: None.

RE: PAVING

Vice-Mayor King advised that she was disappointed on the Public Works Report that Monroe Street between Tazewell and Fourth Streets was not going to be repaved. She indicated that this section of street needs to be paved. Town Manager Sutherland noted that the section of Monroe Street between Tazewell Street and Fourth Streets could be added to the paving schedule. Vice-Mayor King advised that she had a lot of people talking about this section of street. Councilman Crockett noted he would imagine that when people realize the Town is going to begin paving, there will probably be other sections of streets that will be requested to be paved. He inquired if this has happened in the past. Vice-Mayor King noted that a part of the problem on this section of Monroe Street is when the street was dug up to install the fiber optic cable.

RE: BUDGET ITEMS

Councilman Crockett stated he is sure all of the Council is aware of the fact that he will be finishing his term on Council in a couple of months. He noted he is also sure the Council is aware of the fact that he has consistently voted against the budget every year it has been considered mainly dealing with one of his objections, which is the Bag It & Tag It system. Councilman Crockett stated he thinks this is an extremely unfair system, and noted he thinks it impacts the senior citizens and also those on low income who can least afford to pay. He indicated that having stated this, he has put together another report. Councilman Crockett noted

he is unsure if anyone ever reads the reports he writes, but advised he continues to write them. Mayor Crewe interjected that he thinks all of the Council members have read Councilman Crockett's reports. Councilman Crockett indicated that he will pass out the report to the Council. He advised he also has a report for the newspaper. Councilman Crockett explained that the Council has two documents. He stated one document he asked Town Treasurer Stephens to put together for him, and noted it is the long sheet, is when the Bag It & Tag It System was put into operation, what revenues the Town has received from Bag It & Tag It, and what costs the Town has incurred for tags and various other expenses. He indicated he would start with that sheet first, and noted the second sheet of the report shows that there have been incurred expenses of anywhere from \$233,886 to \$270,000, but advised that the Town has not finished this fiscal year yet. Councilman Crockett remarked that the Council will also note that the Bag It & Tag It revenue has dropped each year that the Town has gone through this to the point where it started at about \$66,000, and now it is down to about \$42,000. He stated he thinks the reason for all of that, as near as he can determine, is that probably depending on whom the Council talks to, probably about 50 percent of the trash goes into the County system directly, and people take it and use their own car or truck to transport their refuse to the trash center. Councilman Crockett indicated that the revenue from the Bag It & Tag It System is continuing to drop. He advised that the Council will also notice on this longer sheet that the Town picked up the loan payments to the landfill closure, which he thinks was about \$122,000 in 1998-99, and it has a level payment of \$114,000 per year. Councilman Crockett explained that thus far, the Town has paid about a little over half of that, \$76,000, and advised that this report was through February 2004. He advised that what is happening, and remarked that he will get through in just a minute, is the Town has been supplementing the Bag It & Tag It System, and it has never been a system that has paid for the cost of picking up trash, and it has not come anywhere near it. Councilman Crockett remarked that one of the things that has bothered him in addition to this is how the Council keeps coming up with revenue surpluses each year, and noted he is looking particularly at the General Fund. He noted he took this back to 1995-96, and there were a couple of years where the Town had a couple of projects, evidently, that did not get done for whatever reason so there was not any revenue as well as a loan, or whatever, and there were no expenses. Councilman Crockett explained that what has occurred all of the way through which he is trying to figure out, and noted he has looked at this several different ways, and one of which was to analyze what kind of percentages the Town was off in the budgetary process both from a revenue side and an expenditure side. He stated when he looks at these various figures, most of them, for the most part, are at least five percent off or more. Councilman Crockett advised that they were five or six percent off, and noted that for 1996-97, on the revenue side, and noted as he has stated previously there may have been a couple of the projects the Town did not do for whatever reason or postponed them, those figures were way off, 14 percent and 17 percent. He stated that one year, in 1999-2000, the Town had only about a \$43,000 surplus that year of revenues over expenditures, which was well under one percent, which were certainly acceptable figures. Councilman Crockett indicated that he had always thought, and noted maybe someone who is more well versed in accounting than certainly he is, though he stumbled through accounting in college but it does not really mean anything, that ± 5 percent was in some acceptable limits and, hopefully, less than that. He pointed out that the Town has been running considerably more than that. Councilman Crockett indicated that when he drops down to the expenditures side of the budget, the Council will notice in the left hand column that it is the same total of \$55,160,627, and noted this is the same figure for both the revenues and the budgeted expenditures. He stated that where the Town has really ended up with problems is that the Council has budgeted to do certain things that they have never done for various reasons. Councilman Crockett explained that, therefore, the difference on the expenditure side has been, to him, almost mind boggling. He noted it has gone from 29.87 percent down to the low of being about 6.58 percent. Councilman Crockett stated that in other words, each year, the Council budgets certain things and for whatever reason, the Town does not do them. He noted he does not understand why items are in the budget if the Town is not going to do them. Councilman Crockett indicated that he has brought this up, he thinks, every year he has been on the Council one way or another. He stated when he looks down and he sees a difference in this 9-year period, not including this year in the second column, the first two blocks, he sees about \$6,939,019 as revenues over expenses. Councilman Crockett advised that it comes to about 12.5 percent. He noted that to him, this is a rather staggering figure. Councilman Crockett stated if the Council budgets things, he thinks the Town should be doing them. He noted if the Town is not going to do the projects, he does not know why they are in the budget because the Council is kidding themselves. Councilman Crockett indicated that when he comes down to the last column, considering this year's revenue, some of the amount of money of \$678,000 is probably tied up in the increase in meals and motel taxes. He explained that he included these taxes in this figure because it is a surplus at this point. Councilman Crockett stated he is not aware, and noted that possibly Town Manager Sutherland is, of whether any of this money has been transferred to a separate fund at this point or not. Town Manager Sutherland stated that this money is in separate line items. Councilman Crockett advised that the money has not been transferred, but it is in separate accounts. Town Manager Sutherland

stated that the money is in separate line items but has not been transferred. Councilman Crockett continued and noted that on the next sheet, he looked at this, and what bothers him is how the Council has, and noted he considers it, overtaxed the citizens in the amount of \$6.682 million since the Bag It & Tag It System came into existence. He reiterated that to him, this is a staggering figure, and it turns out that this relates to about \$835 per citizen when this figure is divided by 8,000. Councilman Crockett stated the next figure he has is just a summation of the Bag It & Tag It System and the cost related to that, and the fact that the Town has supplemented the Bag It & Tag It System, or the trash system, almost \$2 million or \$1,957,000. He noted this is the amount that the Town supplemented from the General Fund to compensate for refuse collection. Councilman Crockett advised that in addition, the Town has been paying loans of \$114,000 each year since 1998. He explained that these figures are included in the \$1,957,000 figure. Councilman Crockett noted it really bothers him where the Council is going with this. He advised if the Council was to eliminate, and noted at one point he hopes the Council will, the Bag It & Tag It System, obviously, from the first long sheet of the report, there are two or three figures that would increase. Councilman Crockett indicated that the refuse collection would increase and the disposal fees would obviously increase. He stated these are the figures that the Council will find as the second and third line items from the bottom of the page, and noted it lists them as Refuse Collection and Disposal Fees. Councilman Crockett explained that since they are probably only supplementing at this time 50 percent of the trash that would go into the County system, if the Town would eliminate the Bag It & Tag It System, this trash would go into the Town's system. He pointed out that, obviously, both of these figures are going to increase substantially. Councilman Crockett stated that in order to get the same revenue, the Council probably has several ways of doing this if the Bag It & Tag It System is eliminated. He noted one way to get the same revenue, and noted he just ran up on the first sheet, and he asked Town Treasurer Stephens what a one-cent tax increase on the real estate taxes would be per year. Councilman Crockett stated that Town Treasurer Stephens calculated that this one-cent increase would provide \$48,900. He noted this is about the same amount of money that the Town is generating from the Bag It & Tag It currently. Councilman Crockett advised that as he has previously stated, the Town would have additional cost figures. He remarked that another way to generate revenue would be to charge the citizens \$1 or \$2 per week, or whatever the amount would figure out to be, to pick up trash. Councilman Crockett indicated that this is another option. He advised that he does not think either of these options is necessarily applicable nor does he think it is required since the Town has been running these kinds of surpluses year after year after year. Councilman Crockett stated he thinks it would be in the Council's best interest to absorb that difference, eliminate the Bag It & Tag It System, and absorb it if the Council has overtaxed the citizens almost \$7 million over the last nine years. He continued that it would appear to him that those are funds that should be used to cover this type of cost. Councilman Crockett indicated that as he has stated, he thinks all of the Council is aware that this has bothered him every single year that he has been on Council, and it will continue to bother him as long as the Town has a Bag It & Tag It System. He reiterated that he hopes the Council will do away with the Bag It & Tag It System this year because he noted he thinks it is a very unfair system. Councilman Crockett stated it also bothers him immensely that the Town is running all of these surpluses. He pointed out that he might understand this for one or two years, but the pattern has been continuously to run surpluses of anywhere from \$300,000-\$400,000 per year, or whatever that figure may be, on up. Councilman Crockett advised that he does not think the Council is really treating the Town citizens as they should. He noted the argument has always come up for some of these meals and motel taxes that the Town citizens were not paying it, and someone else pays it, and advised this is true. Councilman Crockett explained that there is revenue coming from those sources. He noted that, of course, anyone who eats their lunch out pays the meals tax, so the citizens are still paying for this in a way. Councilman Crockett advised that also, if the Council utilizes those funds, they could probably reduce other fees accordingly. He stated what the Council has done continuously, and noted he voted for a lot of them, too, is raised various fees including recreational fees, burial fees at the cemetery, and noted he would be afraid to guess how many exactly, but noted there have been many of them along the way for various fees. Councilman Crockett remarked that in a sense, these may be classified as a fee and not necessarily a tax. He pointed out that the bottom line is that eventually it costs citizens money, and the Council can look at it any way they desire whether it is a fee or a tax, and the citizens are still paying it and it still is money out of their pocket. Councilman Crockett stated he hopes that other Council members will give this some thought as the Council goes through the budget process. Mayor Crewe thanked Councilman Crockett for his comments. He advised that he will not belabor the point, but as Councilman Crockett indicated, most of those remarks are kind of an annual enlightenment that he shares with the Council. Mayor Crewe noted he jotted down several things since this has been discussed multiple times. He stated he did not know whether to reply to the explanation or the response, but he thinks he knows what Councilman Crockett is suggesting. He explained that the Town is not in the trash collection business in order to make money, but it is a service to the Town citizens. Mayor Crewe stated the Town is not breaking even, and he noted that the Council can see that more than half of the expenditures on the list from the Bag It & Tag It sheet

are the loan payments on the Department of Environmental Quality required landfill closure monitoring costs that the Town did not budget. He explained that these costs were forced on the Town after the fact. Mayor Crewe noted the Bag It & Tag It System was designed by a committee of citizens that came up with the idea. He stated the benefit of the Bag It & Tag System is it is not mandatory, and anyone who desires can take their trash to the County Convenience Center and not pay any money into the Bag It & Tag It System. Mayor Crewe indicated that Councilman Crockett is correct that the revenue from this has gone down each year, but the main goal of the system has been met every year, which is the number of tons and tipping fees that the Town is paying has gone down each year, and the recycling has increased each year. He explained that this is part of the impetus. Mayor Crewe advised that Councilman Crockett mentioned possibly charging the citizens \$1 per week to pick up trash. He pointed out that citizens can purchase the \$50 per year decal currently, which is less than \$1 per week. Mayor Crewe noted that the citizens are getting 52 weeks of refuse pick up for \$50. He reiterated that the trash pick up is currently a little less than \$1 per week. He stated the other thing that is not reflected in these figures is that since 1995-96, when Councilman Crockett started, the County has opened a couple of Convenience Centers, including two that are closer to town than they were. Mayor Crewe indicated that he thinks this has had an impetus for people in town to take their trash to the County Convenience Center. He noted the other point is that all of this is tied into the Town's ability to impose a utility tax which he does not believe shows in the figures that Councilman Crockett has. Mayor Crewe explained that the receipts from the utility tax are also tied into the trash collection by State law. He stated for the projects Councilman Crockett talked about in the budget, and noted Councilman Crockett is correct in that practically every year there have been projects that have not been completed, they have been in one budget year and carried forward to the next budget year. He stated some of the projects have been finished over the year and some of them have not been completed. Mayor Crewe advised that, for example, the Town had budgeted for last year the engineering and design fees for the new Community Center that did not get done, and the Council had to adjust the budget a couple of times with Rural Development taking longer than the Town had anticipated to approve things. He noted that the projects have gotten done, but they may not have gotten done in the first year they were budgeted. Mayor Crewe remarked that he thinks consistently that the gist of Councilman Crockett's statement is, and the response to it is, that consistently the Council had overestimated cost and underestimated revenues so at the end of the year, the year looks better than if the Council had done the reverse and come up short every year. He noted that as the Council is aware, every year, the Council has made expenditures that are not in the budget, and something always comes up during the year that is not in the budget that the Council needs to appropriate money for, and this is something he thinks the Council has done every year for the eight years that Councilman Crockett has on the list. Mayor Crewe advised that Councilman Crockett's thoughts are well taken, and the Council appreciates his efforts. He noted he thinks the problem that there has been over the years is the fundamental difference in how to view the budget and how to estimate expenditures and revenues. Mayor Crewe advised that when Councilman Crockett is talking about a one penny increase in the real estate taxes, this may well need to happen this year depending on what the State does, and noted the Budget and Finance Committee just reported that the Council still does not know what the State revenues are going to be for the Town. He noted the Town was supposed to have known the amount of funding on March 13, and, hopefully, the Town will know in a day or two if the budget has been adopted. Mayor Crewe reiterated that presently, the Council does not know what the State funding is going to be. He noted the Council heard the report that every year for the last four or five years the State expenditures for the Town have gotten smaller and smaller, and this has had an impact on the Town's budget as well. Mayor Crewe explained that, for example, for paving the streets, the Town is going to have to guess what the State is going to be paying for lane miles, but if the State cuts this amount or does not pay an amount for this, the Town is probably still going to pave, but they will have to take it out of the Town's money and not count on the State's share of the money. He summarized that all of these things have an impact on what the Council is doing, and Councilman Crockett is correct in that the Council needs to consider this, but when Councilman Crockett states that the Council has been overtaxing the citizens, he takes issue with that because he does not think the Council has been doing this. Mayor Crewe remarked that the citizens have been paying a fair tax rate, and noted that, in fact, the Council has rolled back the tax rate several times in recent years in the reassessments that have taken place so as to not have a tax increase. He explained that how much longer the Council can do this depends in large part on what the State budget does to the Town's budget. Mayor Crewe reiterated that he appreciates Councilman Crockett's comments, and they will, obviously, be shared with the Budget and Finance Committee so that when the Committee goes through it and then the Council holds its work session on the expenditure side, there will be things they can talk about as well. Councilman Crockett indicated that Mayor Crewe has mentioned several things, and he thinks that, each year, the budget has been amended to add various things to it. He advised when he looks at the monthly report the Council receives, the figures he has mentioned of having a total surplus of \$6.9 million includes all of those various things, and those are the figures of the end result that Town Treasurer Stephens

gives the Committee every month and every year on that. Councilman Crockett indicated he was not necessarily stating the Council should go up on taxes, and advised he did not think the Council needs to increase taxes. He reiterated that it does bother him that the Council ends up with these surpluses, and someone pays those, and, certainly, it is the Town residents. He remarked that also, having considered all of that, of course, obviously, the Town citizens pay County taxes, and the Town citizens have a right to use the County trash system. Councilman Crockett stated the citizens who are utilizing the County Convenience Centers are paying expenses to get their trash to the centers, and noted this includes personal expenses as well as taxes they pay at the County level. He noted he thinks there is a better way of doing this, and advised he thinks this is one of the arguments that has come up, which Mayor Crewe did mention, was about the recycling. Councilman Crockett advised that whenever he goes out to the County system, he always sees the containers filled with recyclables. He noted the citizens who take their trash to the County Convenience Centers do not have to recycle, and there is nothing that forces them to recycle. Councilman Crockett noted that the County does not encourage or discourage the citizens from recycling. He stated that, obviously, a tremendous number of citizens are doing a lot of recycling because the containers at the County Convenience Centers are filled all of the time. Councilman Crockett indicated that he thinks if the Town arranged a system where the Town would pick up the trash at the door, the Town would probably have more recycling than it does presently. He stated he thinks the Council needs to start looking at expenses and budget more realistically. Councilman Crockett advised that Mayor Crewe mentioned that projects were transferred from year to year. He noted that is true, and there have been a number of projects transferred from year to year that have not been done one year. Councilman Crockett pointed out that the \$6 million is still the balance, when all of these things are considered, for the surpluses. He noted this disturbed him immensely. Vice-Mayor King stated that possibly the Council should do a report on the cost of going back into the trash pick up. Mayor Crewe advised that this is something the Council could certainly look at. Vice-Mayor King indicated that the report could contain the costs versus the Bag It & Tag It system. Councilman Crockett stated that he knows he has received, in reflecting back on almost eight years of service to the Town, more complaints on two issues than anything else. He remarked that he has received four to five times more complaints on these two issues than anything else. Councilman Crockett noted one of the two issues is the location of the Post Office and the steps involved. He remarked that he thinks the Town needs to fix the parking situation on the side of the Post Office and noted the Town has a drawing for this. Councilman Crockett indicated that the other issue is the Bag It & Tag It System. He advised that he would estimate he has received four to five times more complaints about the Bag It & Tag It System than everything else put together. Councilman Crockett noted the citizens he has talked to state that they have never paid any money to buy a tag, and that is their prerogative, but noted he thinks the Council should be serving its citizens better than that. Vice-Mayor King remarked that regarding the Post Office, she cannot see the Town of Wytheville spending taxpayers' money to correct something that the Town had nothing to do with in the beginning. She stated if there needs to be a correction made at that location, she thinks the United States Post Office is the one to make it. Vice-Mayor King advised that she does not think the Town should relocate the drop box at the Town's expense. She stated the Post Office is the one that made the mistake, not the Town of Wytheville. Councilman Crockett advised that he thinks Vice-Mayor King's point is well taken. He noted the Town has inquired, and he thinks the Town has written a letter to Congressman Boucher, and advised he thinks Congressman Boucher has pursued this. Councilman Crockett indicated that the Post Office is, obviously, not going to do anything with the problem. He stated when someone gets killed at the Post Office, possibly the Town can blame it on the Post Office, but sooner or later, the Town is going to have a major accident there or someone gets killed trying to walk across through there. Councilman Crockett noted that to him, if the Council can avoid accidents, they should be working in that direction. Vice-Mayor King remarked that she is sure the Council has noticed that there are signs to the side of the building in the snorkel lane that state it is the property of the United States Post Office. She noted that in other words, the Town of Wytheville cannot bother their property. Mayor Crewe interjected that the Post Office never followed any of the Town's suggestions about realigning the lane. Vice-Mayor King advised that the Post Office never let the Town check the wiring, inspect, etc. She reiterated that the Post Office never let the Town of Wytheville on their property to do any of this. Mayor Crewe pointed out that by law, the Post Office does not have to let the Town perform these inspections. Vice-Mayor King inquired as to why the Council should spend Wytheville taxpayers' money to relocate their drop box. Councilman Crockett stated that Vice-Mayor King certainly has a point, but if one of the Town citizens gets killed and hit there, he inquired if the Council is going to use the excuse that the Post Office is supposed to fix it. He stated that possibly the Town should state this, and summarized that he did not know. Councilman Crockett noted that someone is going to be hurt at that location. Vice-Mayor King stated she agreed and pointed out that she uses the Post Office everyday. Councilman Crockett advised that he thinks the Council should be doing things to protect the Town citizens whether it be at the Post Office or other places as well. He noted that truly, he would agree that the Post Office did not do what they should have done, but the situation is there, and the Town citizens,

he thinks, need to be protected, also. Vice-Mayor King advised that the Wytheville Town Council takes the blame for where the Post Office is located when the Town had nothing to do with it. Councilman Crockett stated he has defended the Council's position on the Post Office every time it has come up. He noted he has had the very same answer that the Town had nothing to do with the location of the Post Office. Vice-Mayor King stated that is correct. Councilman Crockett remarked that having stated that, he still sees problems with getting in and out of the Post Office. Vice-Mayor King stated she would be the first to admit that there is a bad problem, but reiterated that she does not think it is for the Town of Wytheville to correct, and indicated that she would not vote in favor of it. Mayor Crewe indicated that in discussing the Bag It & Tag It System, the problem he has with the argument with the Bag It & Tag It System is that it is not mandatory and no one has to pay for the Bag It & Tag It System. He noted that no one has to have the Town of Wytheville pick up their trash. Mayor Crewe remarked that if the Council had to increase real estate taxes, every single property owner in town would have to pay. He noted this is what he thinks the fundamental fairness is of the Bag It & Tag It System. Mayor Crewe pointed out that those who use twice as much of the garbage pick up pay twice as much because they have to buy two decals for two bags as opposed to one bag. He noted that this is one of the things the citizens committee took into account, and tried to make it easier on senior citizens, and they do not have to pay for the trash pick up, and they can take their trash to the County Convenience Centers. Mayor Crewe stated that Councilman Crockett is correct in that the County runs the Convenience Centers and it comes out of the County taxes. He noted the Town citizens are County taxpayers, and this is why the Town citizens can participate. Mayor Crewe explained that the Bag It & Tag It System, to him, seems fair because those who use it pay for it. He advised if the Town had to, for example, fund trash collection through real estate taxes, people who do not use it would be paying for it because the real estate taxes would affect every property owner. Councilman Crockett indicated that he is not necessarily stating to use the real estate taxes, but he was stating that this was an option. He pointed out that he did not think the Council should have a tax increase to do that, but, also, the other arguments that Mayor Crewe has used, and noted he did not want to belabor the point half of the evening, but he has always heard Mayor Crewe use the argument that those who generate the most trash pay for the Bag It & Tag It System. Councilman Crockett explained that from a purely economic situation, he only generates so much trash per week, and it does not make any difference. He stated the only way he can generate more trash is to spend more money. Councilman Crockett advised that he is limited by the amount of his income as to how much trash he can generate, and he can only eat so much, so he is not generating an additional amount of boxes, bags, etc. He stated he is limited, and every person is limited by, a certain income as to how much trash they generate. Councilman Crockett noted they may generate more trash because there are six or eight children in the family, etc., but, certainly, a family can only generate so much trash because they only have a certain amount of dollars to spend. Vice-Mayor King stated there are only two people in her house, and they buy \$100 worth of tags per year. Mayor Crewe noted the best way to resolve this is simply state for everyone to watch this topic for future development as the Council works its way through the budget and when the Council works, particularly, on the expenditure side, which will be the next thing the Council reviews in the next work session. A copy of Councilman Crockett's reports are attached and made part of these minutes.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:47 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, CMC, Clerk of Council

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BUDGET AND FINANCE COMMITTEE REPORT

APRIL 26, 2004

1. With warmer weather returning in springtime, the activity of juveniles in public locations is beginning to increase. The Town's Code provides that it is unlawful for any minor to be in public places between the hours of 11:00 p.m. and 4:00 a.m. the following day. There are, of course, exceptions for supervised activities or when the minor is accompanied by a parent, guardian, or other adult person. These regulations are set out in Section 9-57 of the Town's Code. But, this section does not provide any penalties for violating the section. It merely notes that the penalty shall be dealt with in accordance with juvenile and domestic relations law and procedures. Our Police Department advises that the local Juvenile Court is reluctant to impose penalties since the Town's Code does not specifically set forth a penalty. It would be the recommendation of the Budget and Finance Committee that we ask Town Attorney Kaase to address this issue by suggesting amendments that will be acceptable to the local Juvenile and Domestic Relations Court.
2. Later this evening, the Council will have a budget work session to review in a preliminary fashion the appropriations that have been requested by the Town's various departments. As usual, there are far more requests for appropriations than revenues will permit. There is no question that all of the requested appropriations are valid and would serve the various departments well, but, unfortunately, there are not sufficient revenues to accommodate all of the requests. Also, there continues to be a lack of information from the state regarding what amount of state funds will be provided for the

upcoming fiscal year. It is difficult to firmly establish the appropriations side of the budget without having a complete picture of the anticipated revenues. Both our Committee and the Public Works Committee will continue to review budget numbers in the upcoming weeks at our Committee meetings. We would also suggest that we move the budget adoption process forward two weeks, making the first reading of the budget on May 24, rather than May 10 as previously discussed.

Jacqueline K. King

John W. Jones, Jr.

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PUBLIC WORKS COMMITTEE REPORT

APRIL 26, 2004

1. The New River Regional Water Authority met last week, and we thought it may be helpful to give the Council an update of the activities of the Authority. At our last meeting, it was at the recommendation of the interview committee that the Authority should negotiate a contract with the engineering firm of Peed & Bortz. The Authority's attorney, Mr. Webster Day, is currently in the process of reviewing the contract documents, and it is anticipated that the Authority will approve the contract with Peed & Bortz at the next meeting. Peed & Bortz has established their design fees to be in accordance with the fees permitted by Rural Development. The fees allowed by Rural Development are conservative, and, therefore, clearly, the Authority is benefiting from a lower expense than normal. Secondly, the Authority continues to review the service agreement among the three participating jurisdictions. While the service agreement is somewhat of a lengthy document, it sets out that participating communities are obligated to purchase certain quantities of water from the Authority once the water treatment plant is completed. The document also makes provisions for the reallocation of consumptions in the event that one community needs more or less water than was originally anticipated. It would seem that the Authority will spend several more meetings trying to find language that is enforceable and acceptable to all three jurisdictions.
2. At the last meeting, we advised that the Town had let a contract for milling and

paving various streets throughout town. At that meeting, several members of Council noted other streets that may want to be added as this paving program went forward. Currently, the estimated cost of work to be performed is about \$210,000, and there is \$225,000 in the current year's budget for these activities. We discussed this at our meeting last week and determined that we will attempt that as the paving program was ongoing, we would monitor the expenses, and, if possible, add the several streets that had been suggested by members of Council. At this time, we do not know if we will be able to do this, or not, but we will attempt to accommodate these requests.

William B. Weisiger

Charles G. Crockett

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