

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JUNE 14, 2004, 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 Treasurer Michael G. Stephens, Town Attorney Robert P. Kaase, Patrol Officers Chris Irvin and John Humphrey, Danny Gordon with WYVE/WXBX, Stephanie Porter-Nichols with Wytheville Enterprise, Dale Reese, Robin Reese, Laura S. Halsey, Vaughn Cassell, Heidi Mabe, Rita Biehl, Don Biehl, Virginia Cassell, Greg Corvin, Clara Farthing, George Farthing, Mark Boenke, Martha Umberger, C. D. Tarter, Andy Kegley, Gale Lynn, Benny Lynn, Michael Graham, Jeremy Moore, Hal Absher, Tim Griffith, Diana Gardner, Rebecca Jones, Oral Jones, Edmund Pendleton, Sara R. Callahan, Paul A. Callahan, Carole Hash, Joe Hash, Rick Post, Donna Post, Betty L. Robinette, Daniel Robinette, Dennis Goff, Judy S. Goff, Judson Lambert, Curtis Humphreys, Dexter Davis, Nancy Humphreys, J. C. Smythers, Joe K. Stanley, Ted Johnson, James R. Grove, Janet Johnson, Ted Gardner, Gary Crouse, Phyllis Kirk, Dean Kirk, Frankie Scott, Bud Shinault

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. He advised that normally, he would just give the invocation, but advised he would like to make a couple of comments. Councilman Crockett stated the last couple of weeks have been to many people, he thinks, a very emotional time. He pointed out that they brought back a lot of memories. Councilman Crockett indicated that on May 26, the Run For The Wall came through Wytheville, and they were going to the Vietnam Wall, and this was an emotional time for them as well as the citizens, and it brought back a lot of memories of those who participated in the Vietnam War. He noted that a little later, there was the World War II Memorial dedication. Councilman Crockett indicated that this brought back a lot of memories for those who are 75 and older, particularly those who were in service during that timeframe. He stated that it also brought to reality that there were 16 million men and women in service during that timeframe, and there are probably less than 4 million of those individuals left now. Councilman Crockett advised that there was also the D-Day Memorial which celebrated 60 years, and this brought back, certainly, a lot of memories to a lot of people, also, particularly, again those who served during World War II and participated in D-Day, and, also, the many families who lost men and women during that timeframe. He noted that, of course, the country lost President Reagan over the week, and, of course, this brought back a lot of memories and some very emotional services as well. Councilman Crockett stated that on the local scene during this timeframe, the American Legion added the flags to Main Street and Fourth Street, and the VFW put the small flags in the cemeteries on that Friday prior to Memorial Day. He noted that, of course, the Town had the Wall of Honor Memorial Day Ceremony. Councilman Crockett stated when a person looks at it from this standpoint, there are a lot of emotions, but, also, there is the timeframe of what has happened in Iraq since May 26. He explained that on May 26, the country had three servicemen that lost their lives, and on May 29, three more servicemen lost their lives. Councilman Crockett indicated that on May 30, six more servicemen lost their lives, and on May 31, another serviceman lost his life. He continued that on June 1, another serviceman lost his life, and on June 2, another serviceman lost his life. Councilman Crockett advised that on June 3, another serviceman lost his life, and on June 4, there were five servicemen that lost their lives. He noted that on June 5, two servicemen lost their lives, and on June 6, there were two servicemen that lost their lives. Councilman Crockett advised that on June 7, two more servicemen died, and on June 8, one serviceman died. He noted that on June 9, another serviceman died, and on June 13, one serviceman died. Councilman Crockett pointed out that during this same timeframe that he alluded to from the Wall of Honor Ceremony, the country has lost 30 service men and women in Iraq, which brings the total to 829. He stated to put this in some type of perspective, that would be like losing one out of every 10 of the Town citizens, which brings this down to a real reality, he thinks. Councilman Crockett noted those service men and women who have experienced wounds and permanent disabilities as a result of the war have been close to over 8,000, which is equivalent to the Town's population in Wytheville. He stated this brings the reality down to real terms. Councilman Crockett requested everyone to join him in a moment of silent prayer for those who have experienced losses during these conflicts and also the various events that he has

mentioned and memories that everyone has experienced. Councilman Crockett then gave the invocation, which was followed by the Pledge of Allegiance led by Councilman Jones. Mayor Crewe advised that Councilman Crockett's remarks are particularly appropriate on Flag Day, and the Council appreciates his comments.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of May 24, 2004, and the request of the Wythe County Public Library for waiver of fees for use of the Bingo Room and Elizabeth Brown Memorial Park on July 29, 2004, for a picnic. He advised that the Wythe County Public Library meets the criteria for waiver of fees. A motion was made by Vice-Mayor King and seconded by Councilman Crockett to approve the consent agenda consisting of the minutes of the regular meeting of May 24, 2004, and the request of the Wythe County Public Library for waiver of fees for use of the Bingo Room and Elizabeth Brown Memorial Park on July 29, 2004, for a picnic. 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: PUBLIC HEARING – CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Mayor Crewe stated the Council has three public hearings scheduled on the agenda. He noted that he will provide the citizens with several ground rules. He noted there are a number of citizens who wish to speak at the meeting, and the Council is glad to have them at the meeting, and they will try to make the citizens comfortable and the Council will benefit from their remarks. Mayor Crewe reiterated that the Council appreciates the citizens attending the meeting. He advised that because there are so many citizens who desire to speak, he is going to use the rules the Council has that requires everyone to be limited to a five minute per speaker time limit, and noted he will be enforcing the time limit. Mayor Crewe remarked that if needed and if everyone finishes, the Council may be able to go back and give everyone an additional five minutes, etc., but the first time through the list, everyone will be limited to five minutes. He stated that in order that the Town's P.A. system will pick the speakers up and everyone can hear as well as for radio, newspaper, and the Town's minutes which are also recorded, he would request that each speaker approach the microphone and identify themselves for the record so that that the Town's records will be accurate, and the Town can keep up with who is speaking when he/she is speaking. He advised that most citizens have indicated that they are attending the meeting to speak on the subdivision issue, which the Council will consider later in the meeting.

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider the issuance of a Certificate of Public Convenience and Necessity during 2004 for Lifecare Medical Transports, Incorporated for the operation of a public vehicle. Mayor Crewe noted that there is no one on the sign up sheets who has indicated they desire to address the Council regarding this topic. He inquired if there are persons present who wish to address Council during this public hearing. There being none, he declared the public hearing closed. He noted since it is only 7:13 p.m., he will reserve the right to give someone an opportunity to speak later regarding this matter should it arise.

RE: PUBLIC HEARING – GRAHAM SPECIAL EXCEPTION PERMIT

Mayor Crewe stated that the meeting, likewise, constituted a public hearing (due notice having been given) to consider the request of Mr. Michael B. Graham for a special exception permit to operate a commercial office building at 495 North Fourth Street which is located on the west side of North Fourth Street between Pine and Spiller Streets in an R-2 Residential District (southwest corner of Fourth and Pine Streets). He noted that Mr. Graham is the only person who has indicated that he would like to address the Council regarding this matter. Mayor Crewe indicated that the Council will be glad to provide Mr. Graham with the opportunity to speak if he desires, and noted that the Council will take action on this topic later in the meeting and Mr. Graham can speak at that time or he can address the Council at this time. Mr. Graham stated he was going to inform the Council of the reasons he is requesting this special exception permit. Mayor Crewe recognized Mr. Michael Graham who stated that he lives at 495 North Fourth Street, and noted he will try to be brief. Mayor Crewe advised Mr. Graham to take his time addressing the Council. He stated that a couple of months ago, he went before the Planning Commission and asked them about rezoning his property on the corner of Fourth and Pine Streets because of the traffic and a lot of other reasons that he explained to them. Mr. Graham indicated that he told the Planning Commission that he would like to have an office type business such as a lawyer, an accountant, insurance office, etc., and the Commission told him that the best thing for him to do was to apply for a special exception permit. He noted that this is

what he applied for, and he went before the Commission one or two months ago and gave them the reasons why he wanted the permit. Mr. Graham stated that he honestly believes the most reasonable use of this property is for some type of business office for a few basic reasons including the location. He pointed out at this location with the intersection and the traffic signal, it is a very busy major road. Mr. Graham noted that no other place in town are there residences at major intersections with traffic signals like the ones there. He stated that there has been a lot of change on Fourth Street since he has lived there for seven years, and the traffic has increased tremendously. Mr. Graham advised that on Fourth Street and with the addition of the light, West Pine Street has now become a shortcut to Route 11, so the traffic on West Pine Street has increased tremendously also. He indicated that his home sits nine feet from the right of way, and he has tractor trailers that come down two sides of his house, and even the school bus driver that takes his middle son to school is not allowed to stop on West Pine Street because it is too busy. Mr. Graham pointed out that the traffic is only going to get worse with the bank, theater, etc. He stated the second main reason is the possible renters that he would receive. Mr. Graham noted that he has previously rented the house for residential use, and advised he has been pretty fortunate, but his renters will not stay there. He stated the renters love the house, but after they move in, they realize all of the traffic and they are quickly looking for somewhere else to live. Mr. Graham indicated that he has explained this to the Planning Commission and to his neighbors that it is better to have a business such as a lawyer, an accountant, or something similar than the possible renters that he may obtain. He noted this is a big possibility with renters, and advised that businesses usually take good care of the property, and with residential renters this is unknown. Mr. Graham stated that businesses are usually only open 8-9 hours per day, five days a week, whereas whatever type of residential renters are there, they will be there 24 hours a day, 365 days a year. He noted that actually, a business is very restricted on what they can do with the property, whereas a residence is rather wide open. Mr. Graham explained that as a residential property, he could paint the house whatever color he wanted, gravel the entire yard, and if he had 10 vehicles licensed in his name, he could park them around there, etc., but the businesses are quite restricted, and even so more restricted due to the restrictions placed by the Planning Commission on his proposed special exception permit request. He noted that one of the biggest reasons is the safety at this location. Mr. Graham advised that it is not a safe residential location on this corner. He noted that he cannot use his front yard, and twice since the traffic light has been installed, there have been vehicles on his front lawn after an accident. He stated that everyone knows how long the traffic light has been installed. Mr. Graham pointed out that he has small children and he cannot let them out in the front yard. He noted that there used to be a stop sign there so that people on Pine Street slowed down when they came down the hill because they had to stop, but, now, there is a greater amount of traffic on Pine Street and they are all trying to make the yellow light, and they all speed down the hill trying to get through the light. Mr. Graham stated that the people who come to visit him are afraid to visit because they are scared to park on Pine Street and come in and see him. He indicated that these are the basic reasons he is requesting this permission. Mr. Graham noted that he is not requesting a business zoning, but only offices, and it would not generate any additional noise, traffic, etc. He reiterated that he thinks this is a reasonable use of the property. Mr. Graham stated that some of his neighbors have concerns, but there is only one neighbor that actually borders his property, and noted Mr. Wood's property goes all the way around his property, and Mr. Wood's property borders two sides and then his property is bordered by Pine and Fourth Streets. He pointed out that Mr. Wood has no problems with him making this request. Mr. Graham reiterated that these are his basic reasons for making this request. He noted he would like to add one thing. Mr. Graham advised that the Planning Commission did have some restrictions to his property listed and noted that they recommend that this special exception permit be allowed with these restrictions. He noted he has the businesses listed, and he was listing the types of businesses he would be looking for. Mr. Graham stated he would like to have a classy neighborhood business. He noted that he had "etc." included in his request, and the neighbors had some concerns and the Planning Commission did not want to leave the special exception permit open for any type of business under "etc." so they marked this out. Mr. Graham stated that he would like to request that the special exception permit include something similar or possibly the wording "with the approval of the Planning Commission" or something similar to this. He explained that if he just tries to sell or lease the property as a business and someone comes along with an insurance billing business, this is not specifically listed, and since it is not listed, he would not desire to go through the expense and this entire process if it would be possible to state for "very similar and/or with the approval of someone or some Commission" without him having to pay the fees and go through this process again. Mayor Crewe remarked that he thinks the Council could probably address this when they consider the special exception permit later in the meeting. He requested Mr. Graham not to lose sight of the first part of the sentence because with the recommendation from the Planning Commission, the first stipulation states "The specific types of professionals permitted would be...." Mayor Crewe advised that it does not state it would be limited solely to those. Mr. Graham indicated that he realizes this, and he does not want to deceive anyone. Mayor Crewe stated the Council appreciates that. Mr. Graham indicated that he wanted to be upfront about his request and noted that he has been in

the Planning Commission meeting, with everyone, and with his neighbors. He noted this is all he has to state, and he thanked the Council for their time. Mayor Crewe thanked Mr. Graham for his comments and for attending the meeting as he has been at earlier meetings.

Mayor Crewe inquired if there are others present who wish to address the Town Council regarding the special exception permit Mr. Graham has requested for his property. There being none, he declared the public hearing closed.

RE: PUBLIC HEARING – ORDINANCE NO. 1172

Mayor Crewe stated the meeting also constituted a public hearing (due notice having been given) to consider Ordinance No. 1172, the Budget Ordinance for fiscal year 2004-05. He noted that the Budget Ordinance will be voted on later in the meeting, and the budget will begin July 1, 2004. Mayor Crewe noted he did not see on the sign up sheets any indication that anyone would like to address the Council regarding this matter. He inquired if there are persons present who wish to address the Town Council regarding the Budget Ordinance. There being none, he declared the public hearing closed.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period. Mayor Crewe explained that for those who do not understand the process or did not know why they were signing the sign up sheets that they brought him that everyone signed when they arrived and indicated that they did or did not want to speak and the topic on which they wanted to speak, he advised that most of those attending the meeting, when he reviewed the sign up sheets, by far and large, the vast majority of attendees wanted to speak on the subdivision request, which the Council will address later in the meeting. Mayor Crewe advised that for a few individuals, the topic they indicated was something other than the subdivision. He noted that a couple of individuals have not indicated a topic and he wants to ensure that he is not missing anyone. Mayor Crewe advised that the Council always puts Citizens' Period on their agenda for every meeting so that anyone who wants to address Council can do that and reiterated that the Council is glad to have the citizens attending this meeting, and any meeting, particularly when there is something on the agenda that is a topic of interest to them.

Mayor Crewe indicated that Mr. Dale Reese and Ms. Robin Reese are the first individuals on the sign up sheet indicating that they want to speak about Reese Trucking. He explained that the situation with this topic, for the public's point of view and information, is when the Council had their last meeting, there was a request to review the situation with Reese Trucking on Madison Street. Mayor Crewe stated that Mr. Reese had to install some additional parking and do some grading work, etc. He noted the Council scheduled at the last meeting to receive a report on this matter at this meeting. Mayor Crewe advised that the Council has, in fact, received this report, and Mr. Reese has completed all of the repairs necessary such as the grading, parking, etc., and has been issued the Certificate of Occupancy and has complied with all of the requirements that he was asked to do at the last Council meeting. Mayor Crewe inquired of Town Manager Sutherland if he is missing anything about this matter. Town Manager Sutherland answered that the Town finds that Mr. Reese has complied with the requirements, and Town staff sees no other action required of Mr. Reese with regard to this matter. He explained that the Council does have at each member's place a memorandum that came this evening from Ms. Mabel Jo Wilson that goes in concert with some information that Town staff sent the Council with their package from earlier in the week. Town Manager Sutherland stated the Council can read the memo, and Ms. Wilson continues to believe that this is an inappropriate use of the property, and she had also attached for the Council a sketch of how she would perceive that trucks would be parked on the parking lot of Mr. Reese's facility. Town Manager Sutherland advised that Building Official Massie calculated, again, the number of parking spaces that Mr. Reese must provide for this facility under the Zoning Ordinance. He noted that actually, Mr. Reese would only need to provide 44 parking spaces. Town Manager Sutherland indicated that Mr. Reese has provided the equivalent of 83 parking spaces. He explained that in terms of this entire concept, the Town considers four vehicles to equal one tractor-trailer, and Mr. Reese has met or exceeded the amount of parking that he is required to have. Town Manager Sutherland reiterated that from Town staff's point of view, Mr. Reese is in compliance. Mayor Crewe indicated that one additional item so that the record reflects it and those persons know, particularly since Mr. and Mrs. Farthing are attending, the Council found when they arrived this evening, a communication by e-mail about this topic that will also be added to the information that the Town has on file about that concerning Mr. Reese's trucking operation on Madison Street. Mayor Crewe indicated that having stated this, he thinks this brings the Council up to date on the matter. He stated he did not know if Mr. or Mrs. Reese would like to speak or add anything to what has already been stated. He noted since they were

first on the sign up sheets, he was recognizing them first. Mr. Reese advised that they did not have anything to state. Mayor Crewe thanked the Reeses for attending the meeting.

Mayor Crewe recognized Ms. Laura Halsey, and he advised her that he was not sure on which topic she wanted to address. Ms. Halsey advised that Mr. Graham covered everything. Mayor Crewe inquired if Ms. Halsey had anything additional to add and noted that the Council will be glad to hear from her. Ms. Halsey stated that she would prefer for their neighborhood to remain residential. Mayor Crewe thanked Ms. Halsey for her comments.

Mayor Crewe noted he understands that Mr. Edmund Pendleton would like to address the Council regarding the subdivision topic. He stated that everyone else who has indicated they desired to speak has indicated that they want to speak on the subdivision request, Sherwood Forest, or some notation as this, but he takes this to mean the request the Council will be considering later in the meeting.

Mayor Crewe inquired if there are others who wish to address the Council regarding some topic not already on the Council agenda. He noted he wants to ensure that everyone has an opportunity to speak. Mayor Crewe stated if someone has taken the time to attend the meeting, he wants to ensure that the Council listens to his/her comments. There being none, he proceeded with the agenda.

Mayor Crewe stated he will ask the Council's indulgence, and noted that Councilman Weisiger will not be attending the meeting. He advised that there are approximately 40 people attending the meeting who want to hear about the subdivision request, discuss it, and speak about it. He inquired if it is permissible to Council to suspend the agenda temporarily and go to the subdivision topic and consider that next. The Council advised that it is acceptable to them to consider the subdivision request at this time.

RE: SUBDIVISION REQUEST – FEDERATION OF APPALACHIAN HOUSING ENTERPRISES, INC.

Mayor Crewe stated with the Council's indulgence, he is going to skip to agenda item L-3 (b) which is the request of Federation of Appalachian Housing Enterprises, Incorporated for final approval of the subdivision of property located on the south side of West Lee Highway between Petunia Road and West End Cemetery known as the Deerfield Project. He advised that by way of explanation, and advised that Assistant Town Manager Moore and Town Manager Sutherland can correct him if necessary, but this is something that has been reviewed and approved several times. Mayor Crewe explained that what is before the Town Council at this meeting is a recommendation from the Wytheville Planning Commission that recommends final approval of this request with eight stipulations. He noted he thinks most of the citizens attending the meeting were at the Planning Commission meeting, but in case they were not, he will review these stipulations. Mayor Crewe remarked that what the applicant is requesting, and noted the Council has the diagrams before them, and noted if the citizens have not seen them, the Council will make them available so they can review the architect's rendering, the sketch, and the plans. He noted that the applicant is requesting a slight deviation in the street alignment, but the recommendation from the Planning Commission is that the request be granted with the following stipulations: (1) Complete technical compliance with the Subdivision Ordinance exclusive of a waiver for street width, curb and gutter, and the cul-de-sacs. (2) Waiver of the curb and gutter requirement, street widths, and the requirement for cul-de-sacs. Mayor Crewe noted this would only waive the curb and gutter in the cul-de-sacs and not in the entire streets. (3) Management strategies for the Low Impact Development (LID) stormwater management shall be developed and narrated. Responsibility for, and enforcement of, deed restrictions on the individual lots. Mayor Crewe remarked that this would be handled by the deeds. (Each has at least one, and most lots have several, bioretention areas that must be maintained in perpetuity. Any disruption by utility repair, landscaping installation, etc. must be addressed and that accessory structures, additions, etc. must be placed so that they do not disrupt these areas or render them ineffective. Deed restrictions that are rigidly enforced by Mountain Shelter must be included, along with the potential for the Town to enforce them, if necessary.) Easements, if necessary, shall be included for all of these areas and shall be delineated. (4) The Low Impact Development (LID) bioretention areas also bring up questions of mosquitoes, swampy yard conditions, etc. during rainy seasons. The responsibility of addressing these issues shall be placed with Mountain Shelter, Inc., the developer. (5) A performance bond or some other acceptable form of security shall be issued to the Town by Mountain Shelter for a period of five (5) years from the completion of site preparation to ensure that the Low Impact Development (LID) measures are maintained and the requirements are enforced. (6) A recommendation from Town staff is that prior to final street paving, shoulder improvement, and paved drives, all the housing shall be constructed so that the roadway is not damaged by the movement of heavy equipment. (This will require that bonds be posted for the improvements.) (7) Air release valves

be installed at the dead end sections of water line, or that the water line be looped along the existing right of way. (8) The streetlight on West Lee Highway at the development entrance shall be upgraded to a higher wattage fixture. Mayor Crewe inquired since having stated this if there is additional information that needs to be brought forward. Town Manager Sutherland answered that he did not know of any additional information at the current time to be brought forward. Mayor Crewe inquired of Assistant Town Manager Moore if he is missing anything. Assistant Town Manager Moore stated he is not aware of anything the Mayor has missed. Mayor Crewe inquired of Councilman Jones since he serves on the Planning Commission if there is anything else that needs to be added to the information before the Council proceeds. Councilman Jones answered that there is no additional information to be added. Mayor Crewe indicated that having stated all of this, he will go down the list and go through the speakers, and the Council will see what the citizens would like to share with them. He reiterated that, again, the Council appreciates the citizens attending the meeting.

Mr. Vaughn Cassell was recognized and stated he has lived at 725 Country Club Drive for over 30 years. He noted that as the Council already knows, the west end of town has become a large bedroom community with practically no commercial development. Mr. Cassell pointed out that about anything commercial west of the Country Club is Duck's Grocery since Vice-Mayor King has retired. He advised that during the past six or seven years, there have been some nice homes built in the area, and now, there is an out-of-state developer coming into their midst with a low income housing development. Mr. Cassell stated that this will, certainly, impact the resale value of their homes, but he would be surprised if any devaluation will show up on their tax assessments. He noted that they keep hearing that there is a need for this type of housing since there are long waiting lists at the Wytheville Redevelopment and Housing Authority, Social Services, and Mountain Shelter. Mr. Cassell indicated that there are supposedly over 300 names on each list. He inquired if any of the Council members have seen these lists and inquired as to when these lists were last updated. Mr. Cassell inquired as to when the lists were established. Mayor Crewe stated that the Council has member liaisons on the Housing Authority, and their lists are updated every six months. Mr. Cassell inquired if the Housing Authority removes the names of the deceased and the ones who have moved, etc. Mayor Crewe stated that is correct and that the Housing Authority is required by law to do this. Mr. Cassell stated that there was a lot of discussion at the Planning Commission meeting, but there seemed to be more questions than there were answers. He indicated that there were about nine citizens that attended the Planning Commission meeting. Mr. Cassell stated that he was truly astonished that absolutely no one mentioned the fact that there is only one entrance into this planned development as shown on the plat that has been filed. He remarked that it is his understanding that the Subdivision Ordinance requires two entrances to subdivisions in the town. Mr. Cassell advised that it is true that there is an unimproved street on the west side of this property, and, supposedly, it is the intention of the developer to improve this street with Phase II of the project. He inquired if Phase II is never completed and inquired as to what the Town garbage truck and/or possibly emergency vehicles are going to do while they wait for Phase II to come in. Mr. Cassell pointed out that normally, there are cul-de-sacs at the end of dead end streets. He stated he thinks this is required in the Subdivision Ordinance possibly, and noted he is unsure of this, and noted he does not have a copy of the ordinance but he has talked with people about it. Mr. Cassell remarked that they have no way of knowing the actual date that Phase II will begin or end. He noted that the Town does not permit local private developers to do this type of development of a subdivision and inquired as to why should the Town permit an out-of-state developer to come in and do this. Mr. Cassell indicated that the next item is the low impact drainage system. He stated that he does not know if the Council is familiar with it, but he is not going to try to explain it because he is not an engineer. Mr. Cassell advised that according to Mr. Moore, he stated that this type of system was experimental and it is not fully known how well it will work. He noted that Mr. Moore also stated that this is a small project and it would be a good one to try this experiment on. Mr. Cassell pointed out that it seems to him that a 30-house development is not a small development for Wytheville, but advised that Mr. Moore could have been referring to the 13 1/4 acres in the development. He advised that he has these questions for Council concerning this low impact drainage system. Mr. Cassell inquired if this experiment should not work out, who is going to pay the bill for a proper drainage system. He noted that the developer will be long gone, and he inquired as to what happens when the vegetation dies. Mr. Cassell advised that, supposedly, there are supposed to be shrubs, trees, and grass planted in these swells around where the water is supposed to gather. He indicated that the Town can place restrictions in the deed requiring the homeowner to replace them, but this is low income, and these people probably do not have the extra dollars to replace landscaping or to do any landscaping. Mr. Cassell explained that according to the web site for Appalachian Housing, in 2001, the average median income for the people they placed in houses for 2001 was \$12,800. He stated that some went as low as \$4,000, and this is an annual income. Mr. Cassell pointed out that there is not a lot of money available after they purchase their food and pay their utilities to go about buying trees. He noted that also he did not know if any soil tests have been made to see if this type of system is even

feasible. Mr. Cassell explained that they have a very dense clay soil in this end of town, and it is only a few inches of topsoil on top of it in most areas. He noted that, of course, this area may have more topsoil because it was used as farmland for a number of years. Mr. Cassell advised that the only thing he can state is if this drainage system has to be replaced, they know who will do it. He noted the Town will have to do it with the tax money, and there will not be any alternative. Mayor Crewe stated he did not want to respond to everything that everyone is raising until the end of the speakers, but the recommendation before the Council is that the Town will not pay for this, and that is part of the recommendation that is being considered. He noted that this is one of the stipulations so that everyone will know. Mr. Cassell inquired if the Town would never go in that area and install any curb and gutter. Mayor Crewe stated that he is not stating that the Town will not install the curb and guttering because the curb and guttering has to be installed, but this low impact development is part of the project. Mr. Cassell inquired if curb and guttering is going to be installed in this project. Mayor Crewe advised that curb and guttering would be installed except for the parts that are exempt that they are talking about the waiving of. Councilman Jones stated that is correct because the Council has waived curb and gutter in other subdivisions. Mayor Crewe noted that the curb and guttering is not part of the low impact development stormwater management system, and that is other than the curb and guttering and that is why the curb and guttering is not being installed, but they have to post bonds for it, etc. for the stormwater management. Mr. Cassell stated that since this is a low-income development, he has not heard, but he fully expects, that the Council will receive a request to waive the various fees such as water and sewer hookups, meter fees, etc. He noted for the Council to remember that they have been talking about raising these user fees for the Town because these accounts are in the "red." Mr. Cassell noted he thinks the Council would have a difficult time justifying any increase if they waive the fees for this development. Mayor Crewe thanked Mr. Cassell for attending the meeting and for his comments.

Mr. George Farthing was recognized and stated he built a house in Country Club Estates in 1976. He noted when he built his house, there were only a few houses in the neighborhood. Mr. Farthing explained that he has watched this neighborhood grow into a very nice neighborhood that is well kept with a lot of people in it. He stated he feels like this low-income development in that location is not suitable or it does not help their community. Mr. Farthing noted that if Wytheville has to have this type of housing, they already have across the street low-income housing, and it appears that the west end of town is getting all of this type of housing. He remarked that it appears to him that if the Council looks around, there are a lot of people around who live in their community that are attending the meeting for the sole purpose of not wanting this development in their area. Mr. Farthing pointed out that he does not understand with all of the land and property that is in Wythe County and Wytheville that would be available that it is necessary to put this at a location where it is not wanted. He advised that he would request that the Council not allow this to happen. Mayor Crewe thanked Mr. Farthing for his comments and for attending the meeting.

Mr. Joe Hash was recognized and stated he lives at 860 Country Club Drive. He remarked that he and his wife moved to Wytheville approximately five years ago, and they built a house in Country Club Estates. Mr. Hash indicated that the housing development that is now being proposed is promoted as a low cost, affordable housing development. He noted they are not mean spirited, and their neighbors are not mean spirited, but advised that he and his neighbors are concerned about property values that will be affected by the low cost, affordable housing development that will be built adjacent to their neighborhood. Mr. Hash advised that at the Planning Commission meeting held last Thursday night, several red flags came up in his opinion, and indicated that he would like to address some of those. He inquired if first of all if Wytheville really needs a development of this nature. Mr. Hash stated that the developer of the project, when asked, acknowledged that he does not have a waiting list of people waiting to buy the homes. He noted that in his short time in Wytheville, he has been sincerely impressed by the citizens' desires and willingness to donate time, money, and energy to those who are less fortunate. Mr. Hash stated that, for example, Habitat for Humanity has built six or seven houses, and the food banks are well stocked and supported strongly by the citizens. He advised that if there is a need for this type of housing, and noted this was raised by a member of the Planning Commission, why cannot this type of existing houses be renovated and be used for this purpose. Mr. Hash advised that he really did not hear a good answer to this outside that it is easier to do a development than it is to do houses spread all over town. He indicated that he might add that if they did it this way, they already have water and sewage hookups and they have existing streets that are available. Mr. Hash remarked that secondly, when they were asked regarding the average value of the home being built and regarding the average income of the people who were going to live in these homes, the answer was the average value was \$125,000 for the houses, and the average household income would be \$30,800. He pointed out that the houses were described as starter homes. Mr. Hash indicated that the Web site for the Town of Wytheville states that the average home value in Wytheville is \$85,100, and the average household income is \$28,043. He noted he understands the need for starter homes,

and indicated he had one himself in 1965 and it cost \$12,000. Mr. Hash remarked that if this is adjusted for inflation using the Consumer Price Index, \$12,000 in 1965 is now worth \$70,000, and it is a much more reasonable home than \$125,000. He indicated that what he is stating is he does not think everyone is getting a true picture of what this development is going to be and who is going to live in the development. Mr. Hash stated that he thinks in all due respect to Mr. Kegley, that when he was asked for numbers, he supplied some feel good numbers, but noted he thinks they were "smoke screened" for what really may be developed. He advised that this opinion is substantiated. Mr. Hash explained that he pulled up the homepage of the Federation of Appalachian Housing Enterprises, also referred to as FAHE, and noted he will read a portion of this which is as follows, "The median income of our service area is far below national average. FAHE and our member groups serve the poorest of the poor. In 2001, the income of the families we served was just \$12,800. FAHE has even enabled those earning just \$4,000 per year to become successful mortgage homeowners." He advised that lastly, he would ask the members of Council to consider two basic questions before they vote with the first being what does this development do for the Town of Wytheville. Mr. Hash noted the second question is what is the clientele this development is going to attract. He stated he is 67 years old, and he hopes he has built his final home. Mr. Hash pointed out that he enjoys living in his neighborhood, and if God is willing, he will be there another 20 years. He stated he hopes he can enjoy the neighborhood, but advised that he is very much concerned about what this development will do to the value of his home and his neighbors' homes in the neighborhood. Mr. Hash thanked the Council for the opportunity to speak. Mayor Crewe thanked Mr. Hash for attending the meeting and for his comments.

Mrs. Betty Robinette was recognized and stated they have owned property in the Country Club Estates for over 30 years. She remarked that they have been law abiding, taxpaying citizens as the other people in their community have been. Mrs. Robinette explained that they have a very good neighborhood, and they would like to keep it comparable. She advised that they do not want something coming in that is going to devalue their homes, their properties, or change the quality of living in their neighborhood. Mrs. Robinette stated that they have been to Council in the last 30 years a number of times, and indicated that she has forgotten the number of times they have been to Council over this particular piece of property. She advised that not once has anyone offered to put in comparable housing in this area. Mrs. Robinette indicated that if this was to occur and houses would be constructed that are comparable to what they have now, the Council would not have these people attending this meeting complaining about anything because they would be all for that. She stated it is the fact that they have had to keep dealing with this, and noted that most of the time it has been, they feel, kind of underhanded. Mrs. Robinette advised that they have not always known upfront what was going on. She noted that they find out at the last minute that they have to hurry and do something, and people are gone, out of town, and different things, and it can be a problem. Mrs. Robinette stated that this is probably why they do not have more people attending the meeting tonight. She noted that over the last 30 years, they have been to Council, as she has previously stated, a number of times, and every time they have come, Council has listened to their concerns, they have been sympathetic with their concerns, and they have voted in their favor. Mrs. Robinette indicated that this is what they are requesting of the Council at this time is to listen to their concerns. She stated that they are taxpaying citizens, and they would like to see this area provide more tax income resources for Wytheville. Mrs. Robinette summarized that they do hope the Council will see their way clear to vote in their favor so that everyone can have a better Wytheville. Mayor Crewe thanked Mrs. Robinette for attending the meeting and for her comments.

Mr. Curtis Humphreys was recognized and stated that he will defer to his other neighbors, and they have covered everything he was going to state. Mayor Crewe thanked Mr. Humphreys for attending the meeting.

Mr. Edmund Pendleton was recognized and stated that he has a lot of good friends attending this meeting. He stated he is going to state a few things that he hopes does not upset them, but noted he would like to clarify a few things that are not exactly correct. Mr. Pendleton remarked that he would like to give a little history. He explained that he happened to be on the first Board of Directors of the Wytheville Redevelopment and Housing Authority. Mr. Pendleton advised that they studied hard of how to come up with a plan that would be good for Wytheville, and in that result, they were able to spread these public houses out. He noted that today, he lives within one block of a public housing complex, and he lives within three blocks of another one, and he lives within one and one-half blocks of a Habitat for Humanity house. Mr. Pendleton explained that he did not think the location of his house has gone down in value, nor his neighbors'. He stated he thinks a lot of it depends on the type of people that live in the homes. Mr. Pendleton advised that he came back to Wytheville three years ago after being out of town for a while, and he was asked to serve on the Board of Mountain Shelter. He stated that his concern is the same concern everyone has heard at this meeting which is to get good people in these houses. Mr. Pendleton explained that he recognizes the fact that the low income indicates

that possibly this is not the case. He stated that if everyone looks at what is going on in this country, there is great disparity between those who have and those who do not have. Mr. Pendleton explained that Wytheville needs to grow and only has 8,000 people. He noted that as was pointed out at the Planning Commission meeting, schoolteachers are eligible. Mr. Pendleton remarked that if a person got out of college today and took a school teaching job and was not married to a higher income person, or was a police officer, they could qualify for this particular type of housing. He noted that for the question that came up earlier about FAHE, this is nothing but an intermediary. Mr. Pendleton advised that Mountain Shelter is a group in town that has a good Board of Directors, and they are concerned about getting a good and better reputation for Mountain Shelter. He stated that Mountain Shelter did not have the money, and FAHE purchased the property for Mountain Shelter with the understanding that they would purchase it from them. Mr. Pendleton explained that Mountain Shelter basically has the funding approved. He stated he wanted to make it clear that this developer is Mountain Shelter and not FAHE. Mr. Pendleton remarked that one of the things he had a real interest in, and noted this has to do with the bioretention process, is at the Planning Commission meeting last week, they heard Assistant Town Manager Steve Moore mention the fact that this is a new type of process. He stated that they have talked about mosquitoes, but noted that what this process does is eliminates the big ponds, and there are much worse mosquito problems with the large storage ponds. Mr. Pendleton pointed out that developers have to put fences around them to protect the children, but this is a new process that might work. He stated he thinks the Town of Wytheville is interested in this process. Mr. Pendleton noted that he thinks Mountain Shelter is willing to go into this thing trying it out and working with the Town because if it works, it is something for the Town to make more land available for use, and it is a much better process and able to get rid of surface water and not create the problems with mosquitoes. He advised, and noted he will be honest, that he does not know how well it works, but, thus far, it has worked very well in Maryland and in the eastern part of Virginia. Mr. Pendleton remarked that he thinks this is a small project, like Assistant Town Manager Moore has stated, to find out how it does work. He stated he agrees with those people who have spoken, and he agrees with the fact that the Town of Wytheville and Mountain Shelter are going to have to stand behind it. Mr. Pendleton reiterated that he thinks the low impact development is a good process, if it works, and noted in the Town of Wytheville today and all of the older areas, there is a very serious stormwater problem. He stated that the new developments do not have the stormwater problems. Mr. Pendleton explained that he thinks Wytheville needs to do something, and noted he is not stating this is the correct process, but it is certainly one way to look to the future that actually enables more land to be utilized. He stated there was another question he wanted to address, but noted he cannot recall it at this time. Mr. Pendleton remarked that the point he wants to make is that this process offers a lot, and noted he wants to assure the citizens that if the Town approves this, the members of the Board of Mountain Shelter are going to try to make certain that it is a type of thing that Wytheville will be proud of. He advised that there is no direct access into Country Club Estates, and there is no road into Country Club Estates. Mr. Pendleton stated that they have pretty homes there, and advised that he has a lot of good friends who live there. He noted he, certainly, does not want to see their properties diminished in any way. Mr. Pendleton requested the Council to look at this matter on both sides of the issue when they make a decision. Mayor Crewe thanked Mr. Pendleton for his comments and for attending the meeting.

Mayor Crewe thanked everyone for limiting their comments to five minutes. He advised that everyone who had indicated on the sign up sheets that they desired to speak on any topic has now spoken, specifically those who wanted to speak on the subdivision request. Mayor Crewe inquired if there are others who wish to address the Council regarding this matter.

Ms. Heidi Mabe was recognized and stated she lives at 730 Country Club Drive. She remarked that she thinks everyone has their share of low income housing in the Town of Wytheville, and that the town does not need this development. Ms. Mabe advised that if anything, there is a demand for more homes like theirs in Country Club Estates. She noted if a person asks any of the realtors, there are always people wanting to purchase homes in their area. Ms. Mabe advised that there is quite a list of people wanting to live there. She stated they purchased their home two years ago, and they had a starter home, and they paid \$50,000 for it and lived in it for 10 years, and sold it for \$87,000. Ms. Mabe stated this is the price she believes a starter home should be. She indicated that these proposed homes will be selling for \$125,000, and to her, this is not a low income home. Ms. Mabe remarked that she does not understand how these people will pay the taxes, and how they will pay county and town taxes on these properties, and the insurance that goes along with it. She inquired if this would all be escrowed into one payment and if the taxpayers are going to pick up the balance of the subsidized payment. Ms. Mabe pointed out that on these incomes, she does not see how the people will be able to do this. She stated that these are some of the questions that should be answered, and all of the concerns that have been mentioned at this meeting should be taken into consideration. Ms. Mabe remarked that they have a wonderful neighborhood. She noted she has nothing against

first time buyer loans or low income housing, but in their area, they have all worked very hard to get out there and put their children in a wonderful neighborhood, and she thinks this is not the proper area for this development. Ms. Mabe concluded that she thinks the Council should consider some of their thoughts. Mayor Crewe thanked Ms. Mabe for her comments and for attending the meeting.

Mr. Frankie Scott was recognized and stated he lives at 395 Arrow Lane, and noted that he owns probably one of the newest homes out in Country Club Estates. He advised that there are two things he would like to cover. Mr. Scott advised that he would like to ask Mr. Pendleton about his house and the neighborhood in which he lives. He stated that more than likely, the houses where the other subsidized housing is located is not the average price of their homes. Mr. Scott pointed out that the average price of a home in the Country Club Estates is probably \$200,000+. He noted when they do all of the figures together, it is a little bit different than out in the other Town limits because all of the house values are completely different. Mr. Scott advised that another concern is that on Lee Highway, there is already one low income housing development out there, and people are constantly walking on the side of the shoulder of the road, and it is very much a safety issue. He noted that they have to get to town, and he understands. Mr. Scott remarked that he has picked some of them up and has taken them to town, and noted he does not have a problem with this, but the Town may want to look at this as a later cost and noted that these people may need to have access to get to the Town of Wytheville by walking because that is the only way they have to get to town is by Route 11. Mayor Crewe thanked Mr. Scott for his comments and for attending the meeting.

Mr. Dennis Goff was recognized and advised that he lives at 575 Country Club Drive. He noted that he was at the Planning Commission meeting and there are a couple of things that he does not understand. Mr. Goff remarked that he knows Mr. Pendleton talked about growth and that Wytheville needed to grow. He stated his question would be as to where the growth is coming from. Mr. Goff inquired if they are going to bring people in from Smyth County, Carroll County, or the adjacent counties for the town's growth or is it going to be people within Wythe County. He inquired if there is going to be growth if this is really the type of growth that the town really wants to have. Mr. Goff remarked that secondly, he does not know too much about Mountain Shelter, but advised that he would like to ask Mr. Kegley about what counties Mountain Shelter covers and inquired as to Mountain Shelter's area. Mayor Crewe stated he thinks the Council can address this shortly. He noted that he thinks there are several counties. Mr. Goff stated his question is why Mountain Shelter does not take some of these, if their area is larger than just Wytheville or Wythe County, to the other counties. He pointed out that a lot of the adjacent counties do not have the first unit of low rent housing. Mr. Goff remarked that he feels that Wythe County has done their share, and the Town of Wytheville has done its share, and, certainly, the taxpayers have more than done their share. He stated he does not feel that this is a good tax base. Mr. Goff summarized that he is definitely against this development. Mayor Crewe thanked Mr. Goff for attending the meeting and for his comments.

Ms. Judy Goff was recognized and stated that she lives at 575 Country Club Drive. She noted that they had this question come up a year or so ago when Mr. Kegley had another proposal of a similar nature. She remarked that the question at that time was who actually owns these homes and who will own them. Mayor Crewe remarked that he can tell Ms. Goff that the proposal is that these homes will be sold to the individual property owners. He stated the proposal before the Town Council, and advised that she heard Mr. Pendleton address this part of it, is because of the funding, the Federation of Appalachian Housing Enterprises, Incorporated is the current owner of the property. Mayor Crewe advised that the intention is that this property would then be sold to Mountain Shelter, and Mountain Shelter would then sell it to the eligible property owners. Ms. Goff inquired as to what timeframe this would be done. Mayor Crewe indicated that he does not think there is a timeframe that is locked in. Ms. Goff pointed out that it is not like she, for example, would go to purchase this house, and she would go to the bank, she receives her money, she moves into the house, and it is her home. Mayor Crewe advised that is correct, and that it would be exactly like this. Ms. Goff inquired if it would be exactly like that. Mayor Crewe stated that is correct. Ms. Goff advised that she would be the sole owner of that house. Mayor Crewe noted that is correct. Ms. Goff indicated that the home would be deeded in her name. Mayor Crewe stated that is correct and noted he would like to clarify that. He explained that the last proposal, or one of the former proposals, was not this type of ownership, and there was a lease arrangement, and this is a straight sale arrangement, and this is what is proposed and that is what is being requested. Ms. Goff inquired if the homeowner defaults on the payment as to who takes the house. Mayor Crewe pointed out that this is not a government issue. Ms. Goff inquired if this is not sponsored by the government. Mayor Crewe stated it is not the Town of Wytheville's sponsor and it is not the Town's issue and there is nothing the Town could do about it. Ms. Goff noted that once the house is sold, the taxpayers of Wythe County have nothing else to do with that house. Mayor Crewe advised that is correct, and noted that, in fact, he would go so far as to state that once it is developed, the taxpayers do

not have anything to do with it. He explained that this is not publicly owned property, and the taxpayers have nothing to do with this at all. Mayor Crewe noted that this is a private development. He pointed out that there may be government funding involved in this, but it is not the Town of Wytheville funding, and it is not owned by a governmental entity. Mayor Crewe stated that this is a little different than the previous request. Mayor Crewe thanked Ms. Goff for her comments. It was noted that government funding is the taxpayers' money. Mayor Crewe remarked that it depends on how "government" is defined. He inquired if it is a VA loan, if that is government loan that the government does not lend taxpayers' money to fund it. Mayor Crewe explained that the funding sources may differ, but a VA loan by some people is a government loan, but it is not government money, per se.

Mayor Crewe inquired if there are others who wish to address the Council regarding the subdivision request.

Mr. Benny Lynn was recognized and stated that he wanted to state to the Council that if they approve this, in spite of the opposition they have heard at this meeting, he feels that they would have to make a lot of concessions beyond the Town's current Subdivision Ordinance. Mayor Crewe thanked Mr. Lynn for his comments.

Mayor Crewe inquired if there are others who wish to address the Council regarding this matter. He noted that the Council will be glad to hear from the citizens, and reiterated that the Council appreciates the citizens taking the time to attend the meeting. Mayor Crewe inquired if everyone has spoken that desires to speak. He commended the citizens on being orderly, prompt, and adhering to the five minute speaking limit, and the Council appreciates this.

Mr. Goff stated that the way the Council answered his wife previously is that a person would go to the bank and obtain the money and go from there. He inquired that if this is the case, what is Mountain Shelter's part in all of this. Mayor Crewe noted their part is the development of the property, and they will be the developer to construct the streets, the water, the sewer, the building of the houses, etc. He explained that Mountain Shelter is the developer, and this is the proposal that is before the Council. Mr. Goff inquired if Mountain Shelter is going to sell the property to qualified persons. Mayor Crewe stated that is correct and this will be just like other developments in town where the developer puts in a subdivision, builds a house, and sells it.

Mr. Scott inquired as to when the Council is going to place curb and guttering in Country Club Estates that they have proposed for the last six years when they annexed that end of the Town of Wytheville. Town Manager Sutherland advised that installing curb and guttering was not part of the annexation requirement. Mr. Scott advises that he remembers this being promised to be done when the Town annexed the area. Mayor Crewe noted he does not know who is quoting what or when, but the Town has done some curb and guttering, and they have reviewed several streets. He stated that there is no master plan to install curb and guttering in this area any time soon on a calendar that he can tell Mr. Scott. Mayor Crewe stated that this is not different than other places in town, and the Council is getting to it as they can, where they can, and where they need to.

Mayor Crewe inquired if there are others who wish to address the Town Council.

Mr. Dexter Davis was recognized and stated that he lives at 240 South Petunia Road. He indicated that his property, he believes, abuts this property. He noted he has a chart he believes he received at the Planning Commission meeting last week. Mayor Crewe stated that is correct. Mr. Davis inquired if the gray area on the map are the roads for this current proposed project that is planning to be developed. Mayor Crewe stated that is correct if Mr. Davis' map is the same as their map. Mr. Davis inquired if this would dead end into an existing road that is not finished or not surfaced. Mayor Crewe stated that is correct and that is the proposal. He noted that there is a cul-de-sac, if he is reviewing it correctly. Mr. Davis pointed out that there is no cul-de-sac, and this is an unfinished dirt road that he walked down today. Mayor Crewe explained that this is an unimproved road that is in existence, and the cul-de-sac that is proposed is at the end of the existing dirt road, and it is located horizontally across the bottom of Mr. Davis' page at the right end. He noted that this road is in existence, and it is a nonpaved road, but it exists on paper, and it is an unimproved road if he understands the charts correctly and inquired if that is correct. Town Manager Sutherland stated that is correct and to address Mr. Davis' question very briefly, there would have to be an assessment between Phase I and Phase II because if Phase I was developed without some specific plan into Phase II, there would need to be temporary cul-de-sacs established at the end of these two roads. Mr. Davis advised that this is his question. Town Manager Sutherland reiterated that there would need to be temporary cul-de-sacs established at the end of these two roads. Mayor Crewe thanked Mr. Davis for his comments. Assistant Town Manager Moore indicated that to clarify this issue, the developer has proposed that they use "hammerhead" turnarounds at those locations rather than a cul-de-sac.

He explained that this is not in conformance with the Subdivision Ordinance, and this is one of the waivers the developer is asking for from the Council at this meeting. Town Manager Sutherland indicated that not to belabor the point, but the "hammerhead" turnaround is one of the new devices being used by the Department of Transportation in terms of turnarounds. Mayor Crewe remarked that between the first and second stipulations, this is the language that is used in the stipulations. He noted that the first stipulation notes the "Complete technical compliance with the Subdivision Ordinance exclusive of a waiver for street width, curb and gutter, and the cul-de-sacs." Mayor Crewe advised that the second stipulation is "Waiver of the curb and gutter requirement, street widths, and the requirement for cul-de-sacs," and this is where this topic is addressed. He explained that it would be up to Town staff to work it out and approve it. Assistant Town Manager Moore remarked that he believes it would require that the Council approve this, and the developer would like for the Council to waive those two requirements. Mayor Crewe indicated that this is where the "hammerhead" turnarounds fit in the stipulations on the Planning Commission's recommendation. Assistant Town Manager Moore stated that is correct.

Mayor Crewe inquired if there is someone else who desires to address the Council regarding this matter.

Mr. Lynn asked regarding the water that will run off from this development to the graves at West End Cemetery, and if this will affect the cemetery at all. Mayor Crewe advised that the answer to this is that the Town's stormwater retention ordinances require the stormwater to be held on site and dealt with. He noted that this is what this low impact development will do, and this is something the Town has not tried before, but it has been used in other places, but reiterated that is it not something the Town has done before. Mayor Crewe stated that they will have to manage their stormwater whether it is by the low impact development method or some other method. He inquired of Assistant Town Manager Moore and Town Manager Sutherland if he is stating this correctly. Town Manager Sutherland stated that is correct. Mayor Crewe explained that the different part of this is that the low impact development is a different mechanism than what the Town has previously used, and it is a relatively new engineering tool.

Mayor Crewe inquired if there are others who wish to address Council regarding this matter. He explained that there is a lot of interest in this topic, and he wanted to ensure that everyone has an opportunity to speak.

Mr. Cassell indicated that he asked about two entrances into the subdivision. Town Manager Sutherland advised that the Subdivision Ordinance does not require two entrances into a subdivision. Mayor Crewe reiterated that the ordinance does not require two entrances into a subdivision. Town Manager Sutherland explained that this has been a topic among many subdivisions where the Planning Commission or the Town Council has required it, but the Subdivision Ordinance does not require two entrances. Mayor Crewe remarked that he had written down when Mr. Cassell was speaking about the waiting list for the low income housing, and advised that he had addressed that as to the Housing Authority. He noted that Mr. Cassell also inquired regarding the one entrance, and they just addressed that. Mayor Crewe indicated that another question is if there is no Phase II of the project. He noted that the answer to this question is that the developer has to bond this, and as Town Manager Sutherland just addressed, there has to be some temporary arrangement made in Phase I pending Phase II that has to be addressed one way or the other. Mayor Crewe noted that Mr. Cassell noted that private developers cannot do some of these things and inquired as to why can an out-of-state developer do this. Mayor Crewe answered that private developers have, in fact, done similar things to this. He noted that this is not a special request just because of who it is that is making the requests. Mayor Crewe advised that he thinks the gist of Mr. Cassell's question is why to allow someone from out of state to do this. Mayor Crewe remarked that it does not make any difference if the developer is in-state, out-of-state, local, or not local. He remarked that the next thing he had written down was that the low impact development is an unproven system. Mayor Crewe stated that it may be an unproven system, and it is relatively new in this area, but advised that it has been in existence for several years, and he would assume that this is why the Planning Commission's recommendation is for five year bonds and reviews, etc. He reiterated that the low impact development techniques have not been tried before in the Town of Wytheville. Mayor Crewe noted that Town Manager Sutherland or Assistant Town Manager Moore may know, but he does not think this has been tried anywhere in southwest Virginia that they are aware of and inquired if that is correct. Mr. Moore indicated that he does not know of a site in southwest Virginia where the low impact development techniques have been used. Mayor Crewe indicated that the LID has been in existence for several years, but just not in the Town of Wytheville. Assistant Town Manager Moore stated that is correct. Mayor Crewe remarked that on paper it works, and in other places the LID has worked on the ground, but the Town of Wytheville does not know, and it has not been proven in Wytheville. He noted that a question was asked as to if the LID techniques fail, who pays for it. Mayor Crewe advised that the

developer or the property owner would have to pay for it. He noted that it is not government owned and it is not a government project, and, therefore, the property owner would be responsible. Mayor Crewe indicated that Mr. Cassell mentioned soil testing and it being clay. He noted that, obviously, this would be a part of the LID, and the soil has to be tested, and the compaction tests have to match, and all of this has to be done. Mayor Crewe noted that this is a matter of State law as well as the Town's local ordinances. He advised that Mr. Cassell noted that the Town may be asked for waiving water and sewer hookup fees. Mayor Crewe stated he believes that this is a sure bet that this request is going to be made, but this does not mean that the request is going to be granted. He indicated that the fees are not being requested as a part of this at this meeting, and it is not on the agenda at this meeting. Mayor Crewe remarked that what is being requested is to waive some of the requirements about installing the curb and gutter, but there is no request to waive water and sewer hookup fees. He noted if this request comes later, it has to be dealt with by Council at that time when the request comes forward. Mayor Crewe indicated that if he did not miss something, and noted he was trying to keep up, he has responded to most inquiries that Mr. Cassell made. He noted that he probably should not have, but as they went along, he tried to respond to the remainder of the speakers. Mayor Crewe stated that if there is someone the Council has missed or if there is something Mr. Cassell thinks the Council has missed addressing his issues, he would request Mr. Cassell to tell them, and they will try to share what information they have.

Mayor Crewe inquired if anyone else has any questions, comments, or statements they would like to make.

Mr. Goff indicated that he still has the question of what areas that Mountain Shelter covers. Mayor Crewe inquired if Mr. Kegley or Mr. Pendleton could tell the Council how many counties or areas that Mountain Shelter covers. Mr. Kegley answered that Mountain Shelter covers six areas including Wythe, Bland, Smyth, Carroll, Grayson, and Galax. Mr. Goff inquired as to how many units of low income housing the other counties have. Mr. Kegley indicated that for home ownership, Mountain Shelter is in the process of completing a 22-unit subdivision in Galax, and three are underway in Hillsville, and they are scattered in Chilhowie and Marion, and Rural Retreat has three. He stated that for rental, Mountain Shelter has done the Southridge Project for the Housing Authority. Mayor Crewe advised that this project is at the former Johnson's Motel property. Mr. Goff inquired if it is a true statement that Wythe County has more individual units or single housing units than all of the other five counties added together. Mr. Kegley pointed out that Galax has 22 units and that is at its completion. Mr. Goff inquired as to how many units Wythe County has and inquired if it is over 100. Mr. Kegley inquired if Mr. Goff is referring to projects that they have done, and, if so, that is not correct. Mr. Goff noted he is not inquiring regarding the number of units that Mountain Shelter has completed, but the number of units in Wythe County. Mr. Kegley stated as far as ownership, 100 units is not correct. Mayor Crewe indicated that the differentiation is between owning the house or renting the house like an apartment or a rental house as opposed to an ownership. He advised that this is the distinction that Mr. Kegley is making. Vice-Mayor King remarked that Mr. Goff is referring to the total number of units such as Longview, etc. Mr. Goff stated that is correct. He advised that the town is doing a lot for the local people, and these other localities need to do something, so Mountain Shelter should take their efforts somewhere else. Mayor Crewe indicated that he did not ask Mr. Kegley if he would like to make any replies, responses, or comments. He noted the Council would be glad to hear from him, but he is not suggesting that he has to. Mr. Kegley indicated that he would be glad to respond to questions.

Mr. Pendleton advised that he would like to make one response to why they cannot consider the existing housing. He noted that a legitimate question was why they cannot take some of the older homes and renew them. Mr. Pendleton explained that the problem, basically, is that there are problems with all of the older homes. He stated that they have the type of roofing material that does not pass any standards for today. Mr. Pendleton remarked that there are asbestos roofs, paint with lead in it, etc. He noted that the cost to take an old home and refurbish it and then put it in shape, and it had to be rebuilt, it would cost more than the homes they are discussing for this project. Mr. Pendleton noted that this is a problem that is unfortunate, but based on regulations of the Town and the State, etc., it is not a practical process. He reiterated that he thinks this is unfortunate, but, unfortunately, that is the case. Mayor Crewe thanked Mr. Pendleton for his comments.

Councilman Crockett advised that he would like to have Mr. Kegley approach the podium. Mr. Scott indicated that one point to Mr. Pendleton is that he belabored with those houses when he first started off, and this is how it goes. Mr. Pendleton answered that he did, too, as a matter of fact, and he still has a home that has the same problems. Mr. Scott advised that he understands. Councilman Crockett stated that the issue came up a couple of times of the price relationship to income and who could qualify for these homes. He noted that it was mentioned that they would be in the \$125,000 range or something similar to this. Mr. Kegley advised that

they have appraisals done on the homes as they are built at \$124,500. He remarked that the funding sources are going to restrict Mountain Shelter to family incomes at 60 percent of median income, which at the Planning Commission meeting last Thursday, he gave a wrong number, and Mr. Cassell quoted him as stating \$30,000. Mr. Kegley advised that the \$30,000 is for a family of six, but for a family of four, it is \$27,240. He noted that this is, certainly, a number that is within the reach of public employees, factory employees, and lots of people in Wythe County and the Town of Wytheville. Councilman Crockett indicated that also the question came up about the demand for these various units. He stated that he serves as the liaison between the Housing Authority, and the question came up earlier about the list of people requiring housing, which is updated every six months. Councilman Crockett advised that he cannot tell them the actual number of people who are looking for this type of housing on the waiting list, but it seems to him that it is around 100 people, but indicated he is unsure about that. He noted he is wondering, and someone mentioned or indicated that Mr. Kegley stated that he was not aware of what the waiting list would be or the demand would be for these homes. Mr. Kegley indicated that when people are talking about waiting lists, they are typically talking about a waiting list for rental property for the Housing Authority, Northwinds, Rental Assistance, etc., and noted that this is not the same thing. He explained that they cannot take someone who has no income and is trying to rent at Northwinds and then wants to purchase this house, and noted this does not work. Mr. Kegley remarked that when he said the upper income is \$27,000 for a family of four, in reality, the minimum income would have to be \$18,000 to \$20,000. Mr. Kegley advised that everyone has made references to the FAHE Web site. He explained that FAHE is very proud of the fact that they have been able to take, through member groups around the area, very, very low incomes. Mr. Kegley remarked that they have taken a \$551 a month income and made them into a homeowner. He noted that this house cost \$40,000, but these houses, land, and improvements cost three times that amount, and, they are not going to be able to take a \$551 monthly income and make them into a homeowner. Mr. Kegley remarked that it will take roughly three times that amount. He noted that this is where they get into the neighborhood of probably a minimum of \$18,000 and probably the maximum amount that the funding agency states. Mr. Kegley advised that for the waiting list for homeownership, Mountain Shelter looks at the same waiting list that realtors, the builders, the manufactured home builders, etc. review, and they know how many single-family building permits are issued each year for new homes for homeownership, and noted not for rentals, but for homeownership. He explained that it is this list that drives their ability to obtain funding. Mr. Kegley pointed out that it is this same list that drives the fact that 75 percent of all building permits issued for single-family homes in Wythe County are manufactured homes made out of the area and not employing local people and not enhancing the tax base, and not a multiplying effect of the funds trickling through the banks and the building dealers and the local trades people. He stated the motivation is the fact that 75 percent of every home in Wythe County is made out of town, and the money leaves the area and does not come back. Mr. Kegley remarked that this is what drives their market. Councilman Crockett inquired if Mr. Kegley would anticipate that Mountain Shelter would be using local contractors for all of this work. Mr. Kegley answered that they had a meeting on June 1 with four local contractors and two modular local dealers, and noted there is an important distinction between modular and manufactured homes. He explained that a modular home is a box that is made in a factory that is brought in on a trailer and assembled with local contractors and subcontractors. Mr. Kegley indicated that a manufactured home is prohibited in this subdivision and in the R-1 Residential Zoning District. He noted that they are not installing manufactured homes, and he wanted to ensure that everyone understands this. Mr. Kegley explained that they are committed to having local contractors stick build or put the modular homes together. Councilman Crockett stated that at the last meeting, if he recalls correctly and noted he does not believe it has come up at this time in the discussion, but there is a mobile home park adjacent to the proposed development. He noted that he believes it had been mentioned that Mr. Kegley may be looking into the possibility of securing this property at some point and inquired regarding this. Mr. Kegley answered that this is speculative, and they have Phase I of the development, and noted he is assuming that a lot of people have seen the plat, which is 18 homes that will be in the front two-thirds of the 13 acres. He noted that Phase II would involve a loop that would be done 2-4 years from now, and the Phase II abuts the property of Ralph's Security and Rentals. Mr. Kegley stated that for the home ownership project, they are focusing on Phase I and want to do a really good job with that and base their ability to do Phase II on their success with Phase I. Councilman Crockett remarked that possibly Town Manager Sutherland or Assistant Town Manager Moore may be able to answer this question. He advised that he believes that the Ralphs' Security and Rentals property has been there for a number of years and inquired if that is correct. Councilman Crockett noted he thinks this property was in existence prior to the development of the Country Club Estates and inquired if that is correct. Town Manager Sutherland noted that the property was there prior to annexation. Councilman Crockett advised that he was wondering, and he had not heard that issue come up as impacting home values. He noted that, certainly, people who live in those areas were aware of the mobile home park from day one, he would suppose, but this is the impression that he gets. Councilman Crockett stated that he guesses he has several concerns on this matter. He noted the main

concern he has more than anything else is the request to waive curb and gutter and also the cul-de-sacs. Councilman Crockett advised that he thinks the Town's Subdivision Ordinance requires this, and indicated that he knows the Council has waived the requirement for two or three other subdivisions. He indicated that he knows every time for the last two or three times it has come up, he has always asked the same question, which he thinks was addressed earlier, which is at some point the citizens of Wytheville will probably be asked to put in curb and gutter, and a request was made about Country Club Estates, too. Councilman Crockett stated the Town's ordinance addresses that as being a requirement, and if it is a requirement, he has a great deal of difficulty understanding why when the Council receives a request, they waive it. He remarked that this does not make a lot of sense. Councilman Crockett inquired if this is a requirement, why is it not a requirement, and if it is going to be waived every time, he does not understand why it is in the ordinance. He stated he personally thinks it is a good thing to be in the ordinance, but noted, he does wonder. Councilman Crockett advised that the issue that always comes up, and noted that he would imagine that Mr. Kegley is not different from the other people who address this issue, is if the developer puts in the curb and gutter, that it raises the unit price by \$500 or \$1,000 or whatever amount it raises each unit price. He noted, therefore, it seems to be a big deterrent from developers wanting to install curb and gutter to begin with. Councilman Crockett stated he could come nearer to possibly understanding in this particular subdivision dealing with trying to maintain a lower cost price than he can some of the others. He reiterated that he feels very strongly that anytime the Town builds a subdivision, that the curb and gutter enhances the area. Councilman Crockett stated he would imagine that this is open to discussion because he knows he has heard from several property owners that would rather have the grass, etc., but indicated that he thinks, overall, the curb and gutter adds to the quality of the home and surroundings. He noted that he does have objection to waiving those two components of the subdivision. Councilman Crockett advised that he is not sure about the other area that was mentioned on drainage, etc. He indicated that he does have some concerns that he received this information as other Council members did, with exception of Councilman Jones on Friday afternoon with his notebook. Councilman Crockett noted that he has not had a chance to research this as much as he normally would or prefer to. Councilman Crockett stated that it appears to him, after stating all of this, that for the R-1 Residential zone they are dealing with, that Mr. Kegley and Mountain Shelter have worked with the Town and the Planning Commission to comply with all of the various requirements, and have asked for waivers where they had some problems. He indicated that he always prefers the wider streets, but, obviously, this hinders the size of the lots, too. Councilman Crockett stated he is not sure on what basis the Council can use to reject the request. He noted the only part of this that he can see that the Council can reject is the various eight points, and indicated that he does not see anything else that the Council can use as a criteria. Councilman Crockett pointed out that the last time this came up, he thinks that Mr. Kegley had requested a different zone. Mr. Kegley remarked that he would like to respond to a couple of Councilman Crockett's comments. He stated that previously, they brought a preliminary plan for approval from the Planning Commission for a subdivision that did, in fact, have curb and gutter all through the original design. He noted that the Council was voting on two things including the preliminary plan of approval, but, also, some secondary issues around the funding they were seeking two years ago. Mr. Kegley indicated that this is behind them, and one of the things they heard loud and clear two years ago was why not pursue home ownership. He stated that they ironically had funding in hand to do the subdivision as it was originally designed, and noted they had over \$2 million in hand to go forward with the project. Mr. Kegley commented that the Mountain Shelter Board thought long and hard in July of 2002 and decided to walk away from a partnership on the rental project and go after an entirely different set of funding to do the subdivision as a homeownership project and to sell the houses to interested homebuyers. He explained that it has taken about 18 months to get the funding lined up to go toward acquiring the land, the infrastructure, purchasing the tap fees, and noted they will not be asking for a waiver of tap fees for water and sewer. Mr. Kegley stated that it is interesting that with Southridge, they installed curb and gutter. He noted when they got the funding finalized on this project in December 2003, they sat down with their architects, Hill Studio of Roanoke, and asked them what they could do to minimize the environmental impact of the stormwater management system as it was originally approved preliminarily by the Planning Commission two years ago. Mr. Kegley remarked that right on the front of West Lee Highway was a big detention pond just like there is right across the road at Southridge and like there is out in front of First National Bank, and like there is behind Wendy's. He explained that they are detention ponds that have a chain link fence around them that is meant to contain the runoff from the parking lots. Mr. Kegley advised that Hill Studio encouraged them to think really hard about the low impact development idea that is being adopted rapidly around the country such as in urban areas where land is a premium, and the cost is escalating of containing stormwater and building the curb and gutter and the culvert and pumping it into Reed Creek. He noted that they do not know for certain yet, but they are hoping to find out soon that the cost of the low impact development is a "wash" compared to what they had on paper with curb and gutter. Mr. Kegley indicated that they have their engineer, Mr. Mark Boenke with Pillar Engineering, and he has worked overtime for the last four weeks designing

this low impact development. He stated that they are proud of the work that he has done, and noted that Mr. Boenke would be best able to address the questions of why they are using low impact development. Mr. Kegley indicated that they feel they can go in there and maximize the use of land, reduce the use of land for a pond, reduce the concrete for curb and gutter, and noted there is curb and gutter on the first couple hundred feet coming off the road, but other than that, none of the lots have curb and gutter. He remarked that the road is 24 feet of impervious asphalt, and eight feet on each side of pervious material, which is meant to allow water to get into the ground more quickly. Mr. Kegley indicated that they feel like this project is not the first LID the Council will see, and they will see others shortly. He remarked that it is a matter, as Mr. Pendleton was stating, that stormwater containment is just like any other utility issue that local governments deal with, and this is one way to deal with the escalating costs and questions about how they use the land. Town Manager Sutherland indicated that this is an interesting concept and inquired as to where they would put utilities with reference to this. Mr. Kegley advised that the utilities will be underground. Town Manager Sutherland advised that he wondered how this worked and inquired of Mr. Boenke as to how this would work. Mr. Boenke answered that he is with Pillar Engineering and Surveying and a new resident of 130 Eagle Drive but did reside at 310 Fairway Lane. He advised that low impact development stormwater management can best be addressed by going back to the big detention basins that are now present like at K-Mart, Wendy's, Wal-Mart, and the big pond in Loretto. Mr. Boenke explained that what has happened is that several years ago, they realized that by putting in impervious cover, meaning roofs, streets, and curb and gutter, that the surface water that once fell on the ground and was absorbed where it fell, no longer happened and instead it got channelized and ran off at a faster rate with more velocity and then at a faster speed causing more damage. He noted that when there is more water, it erodes the earth faster. Mr. Boenke remarked that what has been happening is that everything got channelized into a detention basin to try to hold back that initial quick runoff. Mr. Boenke indicated that what they found is that even though all of this water is contained, it is released out of this pond for twice as long than normally would soak in and absorb. He remarked that about seven or eight years ago, they came up with the idea of how they can concentrate and keep the water where it falls, when it falls, and first they had to reduce the impervious cover, meaning it reduced street widths, reduced the channelizing devices that carry quick runoff water, reduce roofs, and, also changed driveways to impervious concrete and asphalt into a pervious membrane such as gravel or paver block because that allows some water to soak in between the cracks. He explained that the trend has been now to try to channelize or localize all of this rainwater where it falls, and in doing that, they create swells, ditches, etc., and they try to limit pavement widths, and that is why the one variance request is in the application to try to reduce the street width from 30 feet to 24 feet. Mr. Boenke stated that there are some people who run off the road and park on the shoulder of the road and rut the shoulder of the road, and this design has stabilized shoulders with geogrid to support weights of traffic so it will not rut and plus keep the edges of the pavement from breaking apart. He indicated that this also allows runoff from when the water hits the road to go into a grass area and have a chance to soak into the ground and recharge the groundwater where the rain falls. Mr. Boenke explained that in ponds in other subdivisions, the basins that collect the stormwater runoff do not recharge the groundwater where they are. He stated that there are the bioretention areas, or rain gardens, which are landscaped areas that have vegetation in them that are depressed and rather than mounded with mulch, they are depressed about six inches to handle all of the surface runoff that comes off of a roof, the driveway, and the road. Mr. Boenke explained that the bioretention areas are scattered throughout the entire subdivision as opposed to one central spot, which used to be the lowest spot in the subdivision where a big basin was installed and this causes about a house lot worth of land to be lost. He pointed out that by spreading these bioretention areas, they are getting a landscaped area that can soak and quickly absorb the water where it falls. Mr. Boenke indicated that this eliminates quick runoff and recharges the groundwater. He stated he knows the Town Council had very short time on preparing this from when the Planning Commission sent their recommendation. Mr. Boenke advised that he has various disks of literature and information that he would be very happy to supply the Council to help them educate themselves on this matter. He stated this is a brief history of low impact development and reiterated that it is supposed to slow the stormwater and keep it where it falls as much as possible. Mr. Boenke indicated that in keeping with the Town's regulations of storing the 10-year storm event, this is what the rain gardens are sized to handle this amount of water and not sit there and slowly go out through a drain pipe and go down to another area in a drainage area, but to quickly absorb through the ground so that there is no ponding, no mosquitoes, etc., and the rainwater soaks into the ground where it is. He stated that as far as the soil that is on this property, from the soil surveys from the USDA, they are stating that the soil is acceptable for doing this. Mr. Boenke remarked that they have not received back the geotechnical report so as to determine if the low impact development is a viable option. He noted he believes the report may indicate the percolation might increase meaning they may have to increase the bioretention areas or increase underground storage chambers to handle the runoff. Councilman Crockett inquired in reference to drainage and if it would slowly run toward Lee Highway. Mr. Boenke answered that is correct and noted that it heads off to the east

and then towards Lee Highway, which goes under a box culvert close to the entrance of the proposed driveway. He indicated that to answer a question earlier about the gray color on the plat, the gray shaded area is the 50-foot right of way, and it is not the street width, and it is not the street. Mr. Boenke explained that this just shows on the plat for recording, and noted that this plat has not been recorded, and reiterated that this is for the street right of way. He pointed out that the street width itself would be 24 feet paved with the stabilized shoulders. Mr. Boenke indicated that in terms of utilities, underground utilities will be buried under the shoulders of the road for sewer and water, and Sprint will also have telephone lines buried, and they will have conduits running underneath the road. He noted that American Electric Power does what they refer to as loop circuits, and they loop around the front yards of every lot. Mr. Boenke stated that there are cul-de-sacs, and in keeping with the Subdivision Ordinance, they are proposing two cul-de-sacs, which are "hammerhead" or "T" cul-de-sacs as opposed to the traditional round cul-de-sac, and this is why there is the variance request. He noted the variance request is not because they are trying to get away from cul-de-sacs, but due to the different type of cul-de-sac being a "T" cul-de-sac so that when Phase II comes in, they will not be ripping up asphalt and tearing up people's yards, and they can just tie in to where the "T" ended. Mr. Boenke commented that the utilities would also be dead ended there until Phase II began, and then they would just be hooked up and everything would be looped. Councilman Crockett thanked Mr. Boenke for his comments. He inquired of Mr. Kegley on the homes that are planned to be built if they will have one or two car garages. Mr. Kegley stated that the homes will not have garages. Councilman Crockett inquired if there will be on-street parking. Mr. Kegley indicated that the homes will have driveways, and each lot will have a driveway for two vehicles. Councilman Crockett inquired if there will be garages. Mr. Kegley reiterated that there will not be any garages. Mr. Dexter Davis inquired if the gray area is not the proposed pavement, and inquired as to where it is. Mr. Boenke indicated that it is within the gray area, but it is not the entire gray area. Mayor Crewe explained that the gray area is the 50-foot road, but it will only be paved 24 feet. Mr. Davis inquired as to what is proposed to be paved in this development. Mr. Boenke answered that what is proposed is that 24 feet of the 50-foot shaded area on the map will be paved, and then at the end of the shaded area, there are two "T" hammerhead cul-de-sacs, which are not shown on the recordation plat, because for recordation, they do not have to show the actual pavement. Mayor Crewe explained that on the map there is a gray area line representing a 50-foot right of way, and of that 50 feet, 24 feet will be pavement, and the remainder will be shoulders. Mr. Boenke pointed out that in the residential area and front by the commercial area, it will be larger and more pavement. Councilman Crockett indicated that he had another question for Mr. Kegley and noted that before when this came up, Mr. Kegley had mentioned, and noted he believed he was correct, about having some type of buffer that would go along the back north of what would be the south side of the property and inquired if that is correct. Mr. Kegley noted that the buffer for now is Phase II, which is undeveloped, and they are not proposing to do anything. He stated that those are the largest lots in Phase II, and the back three lots are 17,000, 18,000, and 15,000 square feet, he believes, and noted that there is not a measurement on the plat. Mr. Kegley noted that they would be happy to do this, and explained that they are doing forested areas where there will be bioretention areas. He stated there is a hedgerow there now, and they would be happy to commit to doing further landscaping. Councilman Crockett inquired if this is not necessarily in their proposal. It was pointed out that there is no hedgerow in the back and it backs up to a home. Councilman Crockett remarked that this is not in any of the proposed requirements, and advised that he has not read any throughout the requirements. He advised that he does not recall seeing any information stating that there will be a buffer. Mr. Kegley noted that from the beginning, they cannot touch Phase II and advised that they are not asking for permission to do any development or any work on the property that abuts Country Club Estates. He stated that they would have to come back before the Planning Commission and the Town Council two, three, or four years in the future, and would have to design it, receive funding to do the infrastructure, etc. Mr. Kegley summarized that this will not be done until a future time. Mayor Crewe noted that what Mr. Kegley is stating is that Phase II would be the buffer because it is undeveloped. Mr. Kegley stated that is correct. It was noted that these homes will be low value starting off, and a person has to have a certain income to qualify for the homeownership. An inquiry was made regarding if these people sell their homes. Mr. Kegley stated that they will not be able to sell the home for the appraised value and leave the deal with a large amount of profit for themselves. He noted that Mountain Shelter would have to maintain that the next buyer within five or ten years would need to have an income similar to the sellers of the home. Mr. Kegley indicated that ten years is normally what is referred to as an affordability period, and explained that this is determined by officials in Richmond and Washington. He stated that after that period, whoever is in the house can sell it for whatever amount of money they desire and keep the money for themselves after the mortgage is paid. Ms. Goff inquired if she purchased a home, the deed would state that there is a stipulation that she could not sell the home. Mr. Kegley explained that it is similar to a Habitat for Humanity house where a family receives a house, and the community has gone together and helped put in all of the labor, and the materials is what the mortgage is about. He stated there is a second mortgage on a Habitat for Humanity house stating that there is probably \$30,000

worth of labor in the home, and they do not want the family selling the house on day 2, and walking off with a \$60,000 sum of money for themselves. Mr. Kegley advised that Habitat for Humanity puts a second or sometimes a third deed of trust on the property that states if the home is sold, Habitat receives the funds back, and they will sell it to a qualified family. He noted that Mountain Shelter's language would be a little more technical, but similar. Ms. Goff advised that the home goes back to the past owners to do something in the future. Mr. Kegley explained that it goes back to an eligible family to purchase the home. Mr. Scott inquired if a person can purchase a home, and then rent it to someone else. Mr. Kegley stated the homes could not be purchased and then rented to someone else. Ms. Goff inquired if these loans are similar to FHA loans. Mr. Kegley explained that these loans are similar to USDA, Farmer's Home, or VDHA loans. Mr. Goff inquired if these people will be able to refinance their homes after a certain period of time, and these rules would no longer apply. Mr. Kegley stated that is correct after the affordability period. Mayor Crewe interjected that this is not an issue of Town regulations, but it is an issue of the funding sources. Ms. Goff inquired if since it is an FHA loan, it can be subsidized, and the taxpayers are going to pick up the payment because this is a \$125,000 home, and these people are making \$25,000. She stated the taxpayers are going to be paying what these people cannot afford. Mr. Kegley noted that they run a program that helps people who cannot afford to pay the rent. He stated that all of their money comes from the government. Ms. Goff advised that the taxes and insurance will also be covered by an escrow. It was noted that Mr. Kegley's salary is also paid by the government. Mr. Kegley explained that the taxes and insurance will also be an amount above the principal and interest for the mortgage. Ms. Goff reiterated that the taxpayers are picking up the subsidized part. Mr. Kegley noted that there is subsidy in the program. An inquiry was made as to if any other property was considered for this project or if this was the only place that was considered for this development. Mr. Kegley answered that two years ago, when they had to walk away from the \$2 million reservation of funds due to the rental property, they had an investment of some engineering and architectural costs in the project, and they thought they heard people state that they did not want rentals but homeownership. He stated that hence, they kept their option on the property and kept renewing with the seller who remained willing to work with them for a long period of time, and with the seller's patience and Mountain Shelter's patience, they finally got to the point where they received the funding and could purchase the property. Ms. Goff interjected that this is homeownership that the taxpayers are going to have to pay for. It was noted that Mr. Kegley did not answer the question regarding if other properties were considered. Mr. Kegley answered that Mountain Shelter did not consider any other properties for this project. He stated they are involved with a project in Hillsville, and there are three subdivisions in Hillsville, and they still continue to work with Galax. Mr. Kegley remarked that they will continue to seek funding for other projects in Bland, Grayson, etc. He stated that Mountain Shelter had the option on this property so they remained with this property for this project. It was noted that Wytheville always prides itself on its wide streets, especially the wide Main Street, and possibly the Town is going to approve of asking for a waiver of the width of the street. It was noted that when the school bus goes into this development to pick up the children, and noted they would assume there will be children in the development, and inquired how the school bus is going to turn around. It was stated that generally, if a road is traveled by a school bus, especially in town, cars have to stop, and a school bus takes up 10 feet or more, and they are only having two feet on each side out of 10 feet, which is 24 feet. It was also noted that on the drainage, Mountain Shelter states they are going to have a low impact drainage system, but to solve this problem, they do not have to build the project and there would not be a drainage problem. It was indicated that if they have to build a project, they should give the poor people a yard big enough that if they have children, at least they can run around in the yard and have a small place to play, and they could cut the design back to 12 units, if this is what they want to do. Mr. Kegley stated that the lots are all a minimum of 10,000 square feet, and the houses are a minimum of 1,400 square feet, and this leaves about 8,500 square feet for a yard. He noted that children will be able to play, and there will be a swell where these retention areas are, but this does not prevent the children from playing on it or the grass being mowed. Mr. Kegley indicated that Mountain Shelter would ensure that people do not rotor till up the swell, put a carport over top of it, or place a satellite dish in the middle of it. He stated the lots will have decent size yards. It was noted that one-quarter acre is not too big of a yard. An inquiry was made if the houses would have basements. Mr. Kegley answered that some of the houses will have basements. An inquiry was made regarding the drainage and how it would affect the basements. Mr. Kegley stated that they are trusting that the engineering work will take care of this problem. It was noted that some people have problems with drainage affecting their basements. Vice-Mayor King inquired as to how these homes will be marketed and if they will be handled by a realtor. Mr. Kegley answered that they are going to find qualified families, and they are already in the process of identifying families that would want to purchase a home in the Town of Wytheville, near places of service, places of work, and near schools. He stated that they have the word out, and people are coming to them everyday. Mr. Kegley explained that they will have brochures, but noted they will not work with realtors, but they will sell the land to the family, and they will hire a contractor. He noted that the contractor will work for the family, and it is not as though they are building a spec

house and waiting for someone to come. Mr. Kegley advised that they will get a family approved for financing, and they will sit down with a contractor that has seen the plans and wants to be involved, and pick the house design, the site lot, and they will have a contract with that contractor for that house. Vice-Mayor King stated that Mountain Shelter will have the homes sold before they are built. Mr. Kegley stated that is correct, and the houses have to be sold and the family has to be approved first. Vice-Mayor King noted that another concern she has with being a business owner on West Lee Highway is with the water runoff. She explained that when there is heavy rain like there has been, the median strip stays full of water down through there. Vice-Mayor King indicated that she can foresee a problem. Mr. Kegley noted that currently, all of the water goes to a culvert, under Lee Highway toward the Horseshow Grounds. Mr. Boenke noted by Town requirements, they have to design this development to hold 10 year's worth of storm, and, after that, they are in a flood zone stage where everything is going to flood. He stated with the low impact development, they do not want the stormwater to leave the site. Mr. Boenke indicated that with the big basins, it will retain the stormwater and hold it, and it eventually leaves the site slowly. He stated that the LID is to contain the stormwater on the site so that it does not leave it unless it overtops the 10-year storm, in which case, it is permitted to go on down the natural drainage ways. Mr. Kegley indicated that he knows the Southridge pond has overflowed and gone down West Lee Highway toward Bill King's Furniture. Vice-Mayor King stated that it flows down their driveway. He noted that the LID is to recharge the aquifer water into the ground via the slow bioretention areas. Mr. Kegley stated that he cannot swear that there will be no runoff, but he does know that other areas and localities around the country use this technique to minimize the flooding possibilities. Vice-Mayor King inquired regarding Ms. Bea Cline's house and noted that if Mr. Kegley is facing the property, it would be the white house. She inquired if Ms. Cline would receive any of the water if there was runoff. Mr. Kegley inquired if this is at the cemetery and the Smith property. Mr. Boenke stated that the natural drainage course currently goes through Ms. Cline's property at this time. He explained that all of the current runoff ends up going through her property. Vice-Mayor King inquired if the runoff goes through the back of Ms. Cline's property. Mr. Boenke indicated that the runoff goes through the western edge of Ms. Cline's property. He stated on the plans, there is a topographic map where he can show Vice-Mayor King if she is concerned about how the drainage currently flows and whose property it is on. It was noted that there is a tremendous amount of runoff that runs across the front of the Horseshow property in this area, and it was indicated that a person can go out there on any rainy day and he/she cannot cross it. It was noted that this is a problem, and there has been a problem, but a portion of this may be in a flood zone, and it is unbelievable the amount of water. It was noted that Mr. Kegley had put forth a tremendous amount of effort, and an inquiry was made as to if Mr. Kegley knew what these dwellings would look like. Mr. Kegley indicated that they have an aerial perspective that is not completely done of the subdivision, and he presented these to the Council.

Mayor Crewe inquired if anyone else has any questions or comments. Mr. Scott indicated that Mr. Kegley talked about the different localities they reviewed to determine where to put this development. He stated they only chose this one location. Mr. Scott indicated that another issue is that Town Council needs to really look at who voted them into Council, and that Mr. Kegley lives in the County. He reiterated that the Council should look at this, also, and that these are all voting citizens that voted the Council into office, and the Council should consider what they have to state. Mayor Crewe thanked Mr. Scott for his comments.

Mayor Crewe inquired if there are any other questions or comments. Ms. Heidi Mabe remarked that she had a response to Mr. Pendleton who made a comment about people not being able to buy older homes and use them for first time buyers. She stated she thinks this is incorrect, and if they look through the real estate guide, they will find at least 30 homes under \$100,000 that were probably built in the early 1980's. Ms. Mabe remarked that she sold one last year to a first time buyer with an FHA loan or a FHDA loan. She stated that it was a family of five and they were pleased to get the home, and she sold it for \$87,000. Ms. Mabe indicated that there is nothing wrong with a house that costs this amount of money, and reiterated that she and her family lived in it for 10 years, and it was a great starter home. She stated this is the kind of home that these people should have. Ms. Mabe noted that she does not think a \$125,000 home on a fixed income is something that should be going in a subdivision that is located behind their properties. She stated she thinks the Council needs to consider this. Mayor Crewe thanked Ms. Mabe for her comments.

Ms. Betty Robinette indicated that she has a question about the long term. She inquired if at anytime would these people be able to rent these homes. Mr. Kegley answered that primary residence will be the requirement. An inquiry was made as to if they lose their jobs. Mr. Kegley advised that if the homeowner cannot afford to pay the mortgage, they will be facing legal work for a foreclosure. Mr. Scott indicated that a person cannot buy a home and rent it out. Mr. Kegley explained that after the affordability period, anyone can purchase the home. Ms. Robinette inquired if this would be in 10 years. Mr. Kegley indicated that he believes the

affordability period is 10 years. Mr. Pendleton remarked that he can go out and purchase an older home for renovation, and noted that he has problems with his current home, but Mountain Shelter cannot purchase the older homes because of the rules of law. He noted that Mountain Shelter has to clean up all of these environmental things. Ms. Mabe pointed out that a little bit of paint and a little hard work is how they all got their homes. Mr. Pendleton advised that he understands this, but he is stating that the money that Mountain Shelter receives will not allow them to do this. Ms. Mabe advised that she understands Mr. Pendleton's point, but she thinks there are plenty of houses in the town that people can buy. Mr. Lynn advised that he would like to reiterate the fact that for the Town Council to approve this project in spite of the opposition at this meeting, they are going to have to make two major concessions to the existing Subdivision Ordinance that is in place.

Mayor Crewe inquired if there are any further questions or comments. Mrs. Clara Farthing stated she is a low-income retired teacher, married to a low-income policeman. She indicated that through teaching at the Community College and keeping books for a local firm, she and her husband have been able to purchase a home in Country Club Estates. Mrs. Farthing pointed out that when she grew up, she was poor, and evidently from the information she has received at this meeting, she is still poor. She stated the difference between her, as a little girl growing up, is she never knew or needed to know that they were poor, but they had doctors, lawyers, teachers, and truck drivers coming out from her generation, and noted she is pleading with the Town Council at this meeting to listen to these hardworking citizens who are wanting to do the very best for the Town of Wytheville. Mrs. Farthing indicated that surely, Mr. Kegley can find another location since these people are requesting otherwise. Mayor Crewe thanked Mrs. Farthing for her comments.

Mayor Crewe inquired if there are any further questions, comments, or discussions. He inquired if anyone on Council has any questions, comments, or discussions. Mayor Crewe thanked everyone for their comments and for attending the meeting. Mr. Kegley remarked that he would like to point out the fact that Mountain Shelter did not decide to do this project to spite anyone. He stated that the property is zoned R-1 Residential, so someone is going to build single-family homes with a minimum of 10,000 square foot lots, and their Board made the decision to proceed with this. Mr. Kegley indicated that it is not done out of spite, and it is done as a right that someone can do this. He stated that they met the obligations of the people willing to sell the property so this is where they are with this. He advised that he appreciates the Council's time and consideration. Councilman Crockett noted he had another question for Mr. Kegley. He inquired if the former owners of this property considered a subdivision at some point. Mr. Kegley remarked that this property has been subdivided probably four times including in 1966. He noted that Mr. Doug Casey subdivided the property when they first purchased it, and they, in fact, carved out the dirt path that Mr. Davis was talking about. Mayor Crewe stated that was in 2001. Mr. Kegley pointed out that this is the fourth or possibly the fifth subdivision of this particular piece of property. Vice-Mayor King noted that Mr. Casey does not currently own this property. Mr. Kegley advised that is correct and indicated that the Federation of Appalachian Enterprises, Incorporated purchased the property from Mr. Doug Casey in March. It was requested that the Town Council go out and observe this road that Mr. Davis was speaking about earlier and see the tremendous erosion and runoff that is going in under the highway and across the Horseshow Grounds. Mayor Crewe advised that he thinks most of the Council has seen that road. Mr. Kegley remarked that this is a problem. Mayor Crewe noted that this is one proposal to try to correct this problem, and Mr. Kegley is aware that this is an issue.

Mayor Crewe inquired if there are any other questions or comments. There being none, Mayor Crewe inquired regarding the pleasure of the Council. He advised that the Council has the recommendation from the Planning Commission with the eight stipulations. Councilman Crockett stated he did not feel very comfortable on some of these issues dealing with the street, curbing, etc. He remarked that his recommendation is not necessarily to dodge the issue. A motion was made by Councilman Crockett to table the request of Federation of Appalachian Housing Enterprises, Incorporated for final approval of the subdivision of property located on the south side of West Lee Highway between Petunia Road and West End Cemetery known as the Deerfield Project until the June 28, 2004, Council meeting. He explained that he would like to have more time to research this. Councilman Crockett advised that when it is discussed to narrow the streets, one of the gentleman mentioned the school bus turning around, etc., and, certainly there are considerations that regardless of what the price of the homes will be whether they are \$125,000 or \$200,000 homes, if there are not adequate street widths, there will be problems, he thinks. He noted that after researching this a little more, he may well reach a conclusion that the 24-foot street width is adequate to do this. Councilman Crockett reiterated that he would feel much more comfortable having more time to arrive at particularly these eight recommendations. He noted that as he mentioned earlier, there is not much question in his mind that Mr. Kegley, and Mr. Pendleton mentioned this, too, has complied with all of the basic requirements dealing with a Subdivision Ordinance, according to the Town ordinance.

Councilman Crockett reiterated that he does have some questions regarding the eight exceptions. Mayor Crewe indicated that if he is reading his Robert's Rules of Order correctly, and noted he has his parliamentarian at his left, the motion to lay this on the table would require a second and it is non-debatable. Town Attorney Kaase advised that is correct. The motion was seconded by Councilman Jones. He stated that he would like to point out that the Planning Commission did waive the curb and gutter in Loretto and Meadows of Pine Ridge that were recently developed. Councilman Jones remarked that secondly, he knows he has been on the Planning Commission since around 1980, and indicated that he recalls at least two times that his memory serves him where issues came up with respect to this area. He stated that one time is when Mayor Crewe, Dr. Carl Stark, Mr. Hayden Austin, Mr. Tom Bralley, and Mr. Hubby Hudson were on Council. Councilman Jones advised that they requested the Planning Commission to review the zoning of Country Club Estates, which the Planning Commission spent considerable time on and made a recommendation to the Town Council, and by the time that happened, he ended up on Town Council. He noted that, of course, from the Planning Commission to the Town Council, it was like day and night. Councilman Jones advised that all the Planning Commission was trying to do was zone it based on what was presently there. He stated it was defeated by the Council, and noted that was their request and their privilege. Councilman Jones stated the second time that has been alluded to was the fact that Mr. Kegley's group two years ago came to the Town Council and was requesting support from the Town with respect to the fact that he has to file certain forms, etc., and he receives points for these forms in order to be graded with respect to whether or not he can receive the funding and noted it is something to this effect. He requested Mr. Kegley to correct him if he is wrong. Councilman Jones remarked that there were a couple of issues, at least, that he knows he had a problem with and some of the other members of Council had problems with, and at that time, the Council did not endorse those requests that Mr. Kegley made. He stated this did not mean that Mr. Kegley could not proceed to send his application on to the funding agency, but it was that the Council did not support his request that he was asking the Council to give him. Councilman Jones indicated that by tabling this request, he has a couple of questions that came up with widths of road that he would be interested in knowing, and, also, a couple of the other subdivisions as to how large they are. Vice-Mayor King remarked that she thinks a school bus would not be able to turn around. Town Manager Sutherland stated that the road can be 19 to 30 feet and this is the only deviation there is. He noted that VDOT requires 30 feet of pavement, 50 feet of right of way, and new VDOT standards that have been out for five or six years will allow lesser than 30 feet of pavement in a new subdivision. Town Manager Sutherland stated they will assess this based on topography and other things. He noted that some new neighborhoods are doing this across the State as a traffic calming situation. Town Manager Sutherland indicated that other places are installing more curb and less width to prevent a lot of traffic from going through the subdivisions. He reiterated that VDOT requires 30 feet of pavement and 50 feet of right of way. Mayor Crewe stated the motion on the floor is to table the request for the approval of the application for Mountain Shelter on behalf of the Federation of Appalachian Housing Enterprises until the next meeting, and not to kill it or postpone it indefinitely, but to lay it on the table until the next meeting, which would be in two weeks at the June 28, 2004, meeting. Mayor Crewe inquired if there is any discussion on the motion to table the matter, and it is non-debatable, but he thinks the motion can be discussed. 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. Mayor Crewe advised the citizens that they will need to mark their calendars that this issue will be considered in two weeks. He thanked the citizens for attending the meeting, and noted that everyone is welcome to stay for the remainder of the meeting.

RE: RECOMMENDATION FROM PLANNING COMMISSION – FLOODPLAIN ORDINANCE

Mayor Crewe stated he would like for the Council to consider Agenda Item L-3 (a) which is the recommendation from the Planning Commission regarding the amendments to Article XVI, General Provisions, Section 16-8, Special Flood Protection Provisions to Meet Requirements of National Flood Insurance Program; Section 16-9, Definitions; Section 16-10, Establishment of Zoning Districts; Section 16-11, District Provisions; Section 16-12, Variances: Factors to be Considered; Section 16-13, Existing Structures in Floodplain Districts, of the Town of Wytheville Zoning Ordinance. He noted that this comes from a recommendation from the Planning Commission. It was the consensus of the Council to set a public hearing for the July 12, 2004, meeting to consider amendments to Article XVI, General Provisions, Section 16-8, Special Flood Protection Provisions to Meet Requirements of National Flood Insurance Program; Section 16-9, Definitions; Section 16-10, Establishment of Zoning Districts; Section 16-11, District Provisions; Section 16-12, Variances: Factors to be Considered; Section 16-13, Existing Structures in Floodplain Districts, of the Town of Wytheville Zoning Ordinance.

RE: GRAHAM SPECIAL EXCEPTION PERMIT

Mayor Crewe stated he would suggest that the Council consider Agenda Item L-2 which is the request of Mr. Michael B. Graham for a special exception permit to operate a commercial office building at 495 North Fourth Street which is located on the west side of North Fourth Street between Pine and Spiller Streets in an R-2 Residential District (southwest corner of Fourth and Pine Streets). Ms. Halsey indicated that she was shocked to see that the Council was going to consider renaming Fourth Street, and noted that she lives on Fourth Street and she had never heard anything about it, and she wanted to hear about this matter. Ms. Halsey indicated that she came to Wytheville in 1946, and built a house on Fourth Street in 1957, and remarked that she had never heard of this type of permit. She noted she had heard of rezoning an entire block, but skipping four houses and only rezoning one was sort of a puzzle to her. Mayor Crewe explained that this may be a semantic difference, and noted that this is not a rezoning. Ms. Halsey inquired if the Council has ever done this before. Mayor Crewe stated the Council has approved lots of these requests, but it is called a special exception permit, and it is not a rezoning. He remarked that it would be an exception for this particular piece of property to be used for this particular use. Mayor Crewe advised that it would be a special exception permit that would be granted. Councilman Crockett stated he has a question and inquired if this special exception permit would only be applicable to Mr. Graham. Mayor Crewe advised that the way it is proposed, it would be applicable to the property, and if Mr. Graham were to sell the property, it would go with the property. Councilman Crockett indicated that if he is not mistaken, the Council has approved several of those based on the particular property owner and inquired if that is correct. Mayor Crewe stated that the Council has approved the permits with it only going to a particular property owner and also to go with the property. He noted on the recommendation from the Planning Commission, Recommendation #7 states that, "The special exception permit shall be granted with the property." Mayor Crewe advised that this means that when the property changes hands, the special exception permit changes hands as opposed to the other way, when it is granted to the property owner, and it is individual to the property owner, it would not go with the property. Vice-Mayor King advised that to get this on the floor, she will make a motion to accept the recommendation from the Planning Commission to grant the request of Mr. Michael B. Graham for a special exception permit to operate a commercial office building at 495 North Fourth Street which is located on the west side of North Fourth Street between Pine and Spiller Streets in an R-2 Residential District (southwest corner of Fourth and Pine Streets). Mayor Crewe inquired if there is a second to the motion. Councilman Jones stated that he voted against the request at the Planning Commission meeting. Vice-Mayor King stated if she withdraws her motion, then it dies. Mayor Crewe inquired if there is a second to the motion. There being none, Mayor Crewe noted that as the chair, he declares that the motion dies for lack of a second, which means that the special exception permit is not granted. He stated it is not enacted upon, it is not denied, and it just dies for lack of a second. Mr. Graham inquired if the Council is going to vote one way or another. Mayor Crewe explained that there is no motion to vote upon, and there is not a second to get a motion on the floor. He stated the action is that the Council takes no action on this matter. Mayor Crewe noted that the request is not granted because it died for lack of a second. Mr. Graham inquired if it dies even though the Planning Commission recommended that it be approved. Mayor Crewe advised that is correct, and stated the Council did not accept the Planning Commission recommendation. He stated that the Planning Commission recommended this, but the Council did not adopt their recommendation. Mayor Crewe indicated that this is the present posture of this matter. Councilman Jones indicated that he can state with validity that having been on the Commission for 20+ years, there have been plenty of times that the Planning Commission has recommended something that the Council has not approved, so this is not the first time. Mayor Crewe indicated that the Council appreciates Mr. Graham's understanding. Mr. Graham inquired if the Council is going to disapprove the request or something. Mayor Crewe noted that the only answer he can give Mr. Graham is that there is no second to the motion, and why no one wants to second the motion, he cannot speculate, but he can tell him that as the presiding officer that there is not a motion with a second, and, therefore, there is nothing that can be passed, and it dies for lack of a second. Councilman Jones indicated that with respect to the reason he voted nay at the Planning Commission meeting, and stated he is unsure if he was the only Commission member that voted this way, but he felt that even though that area is going to eventually, according to the Town's plan, be rezoned to B-2 Business if everything keeps moving the way it has been moving. He stated this area may eventually become a business area, but advised that he did not feel, at this time, that the Planning Commission should give a special exception permit just to Mr. Graham's property in order to allow that particular use since at the last meeting, there were two people who were opposed to it, and another one who is not attending this meeting, but he knows he was not in favor of the request either, and they are Mr. Graham's other neighbors. Mr. Graham advised that is correct but noted that they are all across the street. He noted that he thought he had convinced them that this is a problem area. Mayor Crewe stated he understands Mr. Graham's disappointment. Mr. Graham inquired as to what he can do now. Mayor Crewe stated the only option is if Mr. Graham wanted to start the process over, he could do so. He

advised that this current process has ended with the Town Council taking no vote. Mayor Crewe thanked Mr. Graham for attending the meeting.

RE: CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY – LIFECARE MEDICAL TRANSPORTS, INC.

Mayor Crewe stated that the next agenda item is to consider the request of a Certificate of Public Convenience and Necessity during 2004 for Lifecare Medical Transports, Incorporated for the operation of a public vehicle. He noted that the Council has the information in their packet, and the vehicle has been inspected and the insurance has been verified. A motion was made by Vice-Mayor King and seconded by Councilman Jones to approve the issuance of a Certificate of Public Convenience and Necessity during 2004 for Lifecare Medical Transports, Incorporated for the operation of a public vehicle. 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: APPOINTMENT – SMYTH-WYTHE AIRPORT COMMISSION

Mayor Crewe stated the next agenda item is the notification of an appointment to the Smyth-Wythe Airport Commission to fill the expiring term of Mr. Fred Cox whose term expires June 30, 2004. He advised that Mr. Cox is not eligible for reappointment. Mayor Crewe stated that the Town does have the provision that if there is no other qualified applicant, the Council can reappoint Mr. Fred Cox. Mayor Crewe inquired if the Council desired to wait until the next meeting to see if an applicant steps forward. Councilman Jones inquired if the Town has advertised this position, and noted that this is a position that the Town usually does not advertise. Councilman Crockett advised that he thinks it would be appropriate to advertise for applicants. Vice-Mayor King stated that Mr. Cox does a good job and he is very interested in this. Mayor Crewe pointed out that the Council can wait until the next meeting to take action because Mr. Cox's term does not expire until June 30, 2004, and the Council will meet again before June 30 if they want to see if the Town receives another application. Councilman Jones indicated that he does not have any problems with reappointing Mr. Cox. Mayor Crewe stated that there are very few people in the Town of Wytheville that are using the airport. Vice-Mayor King noted that Mr. Cox is always at the meetings. A motion was made by Vice-Mayor King and seconded by Councilman Jones to reappoint Mr. Fred Cox to the Smyth-Wythe Airport Commission. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting results: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr. Against: Charles G. Crockett. Councilman Crockett explained that he is voting nay on the basis that he would feel more comfortable if the Council waited, and since this motion has passed, it does not make any difference. Mayor Crewe pointed out that the only way the Council can reappoint Mr. Cox is if there is no other qualified applicant, and, to date, there is no such applicant and it fits within the Town's regulations.

RE: APPOINTMENT - MOUNT ROGERS PLANNING DISTRICT COMMISSION

Mayor Crewe stated the next agenda item is the appointment or reappointment of a member of Council to serve on the Mount Rogers Planning District Commission to fill the expiring term of Vice-Mayor King whose term expires June 30, 2004. A motion was made by Councilman Jones and seconded by Councilman Crockett to reappoint Vice-Mayor King to the Mount Rogers Planning District Commission. For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., Charles G. Crockett. Against: None.

RE: ORDINANCE NO. 1173

Mayor Crewe presented Ordinance No. 1173, an ordinance amending and reenacting Chapter 14, Taxation, Article IV. Cigarette Tax, Section 14-52, Levied; Amount and Article VII. Local Telephone Service Tax, Section 14-122, Imposed, of the Code of the Town of Wytheville, Virginia, on first reading. Mayor Crewe remarked that Ordinance No. 1172 has been amended since the last meeting to reflect the changes the Council asked for last time. He stated that Ordinance No. 1173 includes the rate increases in the cigarette tax and the E-911 telephone tax. Mayor Crewe remarked that to do this properly, the Council should consider the Budget Ordinance first and consider the ordinances in numerical order.

RE: ORDINANCE NO. 1172

Mayor Crewe presented Ordinance No. 1172, the Budget Ordinance for Fiscal year 2004-05, on second reading. He noted that the Council could suspend the rules and adopt the ordinance on second reading, and not consider it on a third reading. A motion was made by Councilman

Jones to adopt Ordinance No. 1172, the Budget Ordinance for Fiscal Year 2004-05 which adopts an appropriate departmental budget on second, but not final, reading. Mayor Crewe noted that this ordinance changes the ten percent increase in the water and sewer to a three percent increase, and this ordinance has been reworked. Vice-Mayor King seconded the motion. Mayor Crewe advised that the motion is to adopt the Budget Ordinance on second, but not final, reading. He inquired if there is any discussion on the motion. Councilman Crockett stated that, of course, he would have discussion on this ordinance. He noted he could go back and read the minutes of the previous meeting which were 16 pages long or request that they be put into the minutes of this meeting. Councilman Crockett remarked that on this, the Council mentions, dealing with the ordinance, setting a tax rate and requested the Council to refresh his memory. He noted that the Council had reassessment last year, and he knows the Council reduced it last year and inquired if that is correct. Mayor Crewe indicated that he thinks this was two years ago. Town Manager Sutherland stated that Councilman Crockett is inquiring regarding the reassessment. Town Treasurer Stephens stated the reassessment was in 2002. Councilman Crockett inquired if this is when the Council reduced the rate to \$.113. Town Treasurer Stephens stated that is correct and noted that it was previously \$.143. Councilman Crockett noted that in essence, this does not give any tax increase. Town Treasurer Stephens advised that is correct, and if it is less than one percent, the Town can mark it off. Councilman Crockett indicated that he guesses his comments deal with about the same thing of the comments he made before. He advised that the Town has had surpluses over the last few years of \$6 million since the Bag It & Tag It went into operation. Councilman Crockett stated that he finds it very difficult to deal with anything that may raise taxes or fees considering the fact that the Town has had that much surplus. He indicated that as he mentioned at the last meeting, he does not smoke, and, therefore, the cigarette tax would not hurt him, but advised this is neither here nor there, and he does not think it is a tax that is necessary. Councilman Crockett indicated that this comes up later on the Council agenda. He stated that he thinks since he has been on Council, the Town has done a lot of real good things, and he is real proud of a lot of good things they have done. Councilman Crockett advised that he is not very proud of the fact that the Town has had surpluses of \$6 million, or \$1 million per year, basically, or whatever, but noted it was not quite \$1 million per year. He reiterated that this bothers him very much. Councilman Crockett noted that he is proud of a lot of things, but this is, certainly, not one of them. He remarked that he thinks by the Town having the Bag It & Tag It System, he cannot help but feel that the Council has not really been honest with the Town citizens, and he noted he thinks the Council probably should have been. Councilman Crockett stated that he knows this is open to opinion, and noted he would grant this to anyone. He remarked that having the Bag It & Tag It System was originally done because the Town felt like they needed a tax increase or fee increase to handle that system, and noted the Council has had this discussion two or three times or more. Councilman Crockett advised that he doubts very much if in light of the fact that the citizens are fully aware of the fact that they have been overtaxed by \$6 million and they have had the Bag It & Tag It System all of these years, he doubts very much if a single citizen would vote for the Bag It & Tag It System reflecting back on what taxes they have paid during that time. Mayor Crewe inquired if there is any other discussion. Councilman Jones stated he wants to note that as he has stated before, over the years, after Bag It & Tag It, the Town has increased what the Town is doing with respect to providing services to citizens. He noted that he recalls that the Town was basically from April to September picking up once a month grass and brush, and now the Town is providing this service year round. Councilman Jones explained that the Town got into the Bag It & Tag It System based on a recommendation from a committee composed of town citizens. He remarked that, again, he has stated and he would recommend that the Council have another committee of town citizens review the Bag It & Tag It System and review what the additional costs would be if the Town eliminates the Bag It & Tag It System with respect to the Town's operation. Councilman Jones pointed out that the Town would have to put another truck into operation, and, of course, if the recycling decreases, then this means the Town is going to pay more into the landfill. He stated it was interesting that one of the couples that was attending the meeting from Country Club Estates has not "hammered" him, but they have talked to him numerous times about this, and their recommendation is that the Council put it in as a fee in some other place so that everyone pays it. Councilman Jones commented that his feeling is if the Council does this, it makes it worse because that means that everyone has to pay each month, each year, etc., whatever amount the Council decides, whereas currently, he purchased the \$50 sticker, but, technically, this does not mean he has to put trash out every week, and he could do it by using the tags. Ms. Halsey indicated that this is difficult for a lot of the elderly ladies, and they cannot drive. She stated that if they do not have families, the neighbors sometimes take their trash away. Councilman Jones noted that this is why he would still like to have a citizen committee review the Bag It & Tag It System, and if the committee feels that they want to eliminate it recognizing what the additional costs are, that would be acceptable to him. Councilman Jones noted that he believes at some point, he reminded the Council that if the Town collects user fees with respect to people using things, which is a lot of times what the Council has increased fees versus the personal property and real estate taxes, the Council is better off. He stated he knows that Councilman Crockett has talked about

surpluses, but when the Council reviews the information, they notice that sometimes the difference was that the income was either plus or minus, but they also look down at the difference in expenditures, and everyone of them was a minus. He explained that part of what a surplus was is because the Town did not spend the money now. Councilman Jones noted that he went through one year and looked at where they were, and stated he still has the paper, but still if he can push the issue through, he would like to use as much as the surplus as he can get through for this Community Center. He stated he feels like the Council can reduce the surplus with respect to this, and, hopefully, save the Town from having to borrow a lot more money with respect to the Community Center. Councilman Crockett noted that he thinks this is an excellent point with exception of one point. He stated in utilizing the money for the Community Center, had the Town designated, as the Council has designated currently for an increase in meals and motel taxes, to be put in reserves for this, he understands this part of it. Councilman Crockett pointed out that what he does not understand is if the Town had all of the various surpluses that have run up over \$1 million, it means a number of things to him. He noted that first, the Town did not do what they said they were going to do in many cases, and postponed projects for various reasons or just decided not to do it. Councilman Crockett explained that the Town's budget process brings a lot of questions about why the Town should have surpluses like this. He remarked that the other thing is if the surpluses had been designated to go to the Community Center, or some other cause or project, which, obviously, the Town did not do at some point, otherwise, he did not know how the Town would have ended up with these kinds of surpluses. Councilman Crockett stated that granted, some of the revenues have gone up, but not appreciably. He noted that it seems to him that using this money for the Community Center is kind of to him a breach of faith to the citizens because the Council did not designate this money as such, and the Council designated that money to go to some projects somewhere that the Town did not do, evidently. Councilman Crockett summarized that he did not know how else the Town could have ended up with those surpluses. He pointed out that the Bag It & Tag It System was sold to him under false pretenses, and if the Council runs surpluses of this much money, then raising additional fees for the Bag It & Tag It or trash pick up, seems to him like there is about \$6 million that could be used for a number of years to compensate for any increase. Councilman Crockett advised that granted, the Town is running deficits on the water and sewer side of the budget, but these are some of his concerns about this. Mayor Crewe inquired if there is other discussion. Councilman Jones remarked that he and Councilman Crockett think sometimes the same, but the problem is that they arrive at things differently. He stated he respects this, and he is going to miss the opportunity at least in the next two years to discuss it. Councilman Jones noted that Councilman Crockett may come back at public hearings. Councilman Crockett stated he does not doubt that he will attend the public hearings. Councilman Jones noted that he would much rather see the Town with a surplus that the Council can work with versus all of a sudden having to increase taxes, particularly, either personal property or real estate, in order to take care of things. He stated that the last couple of years, as Councilman Crockett knows, the Council has basically stated that other than employee raises, the Council wanted to hold the spending on the budget, and the Council has nearly done this. Councilman Jones advised that he knows at some point, the Town is not going to be able to continue to do that because he faced the same problem over at the Training Center. He noted that they receive money for increases and raises whenever the General Assembly decides to give it to them, and they do not receive money for anything else. Councilman Jones remarked that the Governor keeps talking about running the State like a business, and they are not running a State like a business because the money is not there in order to be able to properly purchase equipment and do maintenance and also serve the residents at the same time. He stated he spends all of his time trying to figure how the Town can do with what it can do with less dollars. Councilman Jones noted that he is glad the Town is in this situation and not in a reverse situation. Ms. Halsey indicated that Councilman Jones was talking about the trash and the grass that people put out. She inquired if residents are supposed to keep the grass and brush on the curb and not in the street. Councilman Jones stated that is correct. Ms. Halsey advised that she has wondered who to call to complain about this on Pine Street on both sides of her property. She explained that it is out in the street, and when the rain comes, it is going to close all of those drains up, and there will be flooding on Fourth Street. Ms. Halsey stated they have put out finely chopped debris, and it will flow when the rain runs through it. Mayor Crewe noted that Ms. Halsey can call the Police Department. She advised that people can purchase bags to bag it and place it out. Vice-Mayor King noted that she saw some grass and clippings somewhere in the street today. Ms. Halsey indicated that she places it at the curb in her yard, but she does not place it in the street. Mayor Crewe inquired if Town picks up the yard waste if it is bagged. Town Manager Sutherland advised that the Town will pick up yard waste if it is bagged. Mayor Crewe noted that Ms. Halsey is correct and dumping the yard waste into the street is against the regulations. Ms. Halsey reiterated that she has problems with this on both sides of her and noted she thinks about the drains. She indicated that several of her neighbors place this waste in the street, and she is not sure what happens to it when it rains on it before it is picked up. Mayor Crewe stated that the debris is probably downstream somewhere. Vice-Mayor King indicated that she would like to state to Councilman Crockett that

she is glad the Town has surpluses because she has a friend in a neighboring town who is treasurer of their town who has no money to do anything with, and their employees have not had a raise in three years. She reiterated that she is proud of the Town's surpluses, and like Councilman Jones, she likes to see the surpluses. Councilman Crockett advised that he thinks the Council has given the Town employees a raise every year that he has been on Council. Vice-Mayor King advised that is correct. Councilman Crockett stated the Town still ends up with these kinds of surpluses. He noted that he does not know sometimes which is worse. Councilman Crockett explained that, obviously, the Town cannot run a deficit and continue to play the game or do the things the citizens want them to do. He pointed out, to him, having exorbitant surpluses is the other side of the situation, too. Councilman Crockett noted that he does not think the Council should be in the business of overtaxing their citizens so they can state they have a nice size surplus. Councilman Jones noted that he would guess that some of the surpluses were because projects were not able to get started which were of a large size. He stated he knows that one of the things that Councilman Crockett has pushed hard is that the spending, particularly, in the month of June, seems to be much heavier than the other months. Councilman Crockett advised that May is also a heavy spending month. Councilman Jones reiterated that he knows this is what Councilman Crockett has pushed, but explained that he knows this much, and he would hope that even though the money may be in the budget that the Town departments would not spend it just to spend the money. He advised that, obviously, if the Council does not want to have surpluses, this is what they can do very quickly, and, to him, it sort of defeats the purpose. Councilman Jones stated that as long as the departments recognize that the time comes and the Town really needs something, then the Council will then take the appropriate action. He indicated that he does not want to encourage the departments to think that they feel they have to spend the money because they will not receive it. Mayor Crewe inquired if there is any further discussion. There being none, Mayor Crewe advised that he would assume the Council is ready to vote. The motion was approved with the following voting results:

FOR: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr.

AGAINST: Charles G. Crockett

ABSTENTIONS: None

Ordinance No. 1172 was approved on second, but not final, reading.

RE: ORDINANCE NO. 1173

Mayor Crewe presented Ordinance No. 1173, an ordinance amending and reenacting Chapter 14, Taxation, Article IV. Cigarette Tax, Section 14-52, Levied; Amount and Article VII. Local Telephone Service Tax, Section 14-122, Imposed, of the Code of the Town of Wytheville, Virginia, on first reading. He noted that this ordinance changes the rate on the cigarette tax and the E-911 telephone tax. Mayor Crewe explained that it raises the cigarette tax from \$0.03 to \$0.09 and the E-911 tax from \$1.00 to \$2.00 per line. A motion was made by Councilman Jones and seconded by Vice-Mayor King to adopt Ordinance No. 1173, an ordinance amending and reenacting Chapter 14, Taxation, Article IV. Cigarette Tax, Section 14-52, Levied; Amount and Article VII. Local Telephone Service Tax, Section 14-122, Imposed, of the Code of the Town of Wytheville, Virginia, on first, but not final, reading. Councilman Jones advised that he would like to adopt this ordinance on second and final reading at the June 28, 2004, meeting. Councilman Crockett stated he would like to voice his same concerns about this ordinance as well. Mayor Crewe inquired if there is any discussion on the motion besides Councilman Crockett's same concerns. There being none, the motion was approved with the following voting results:

FOR: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr.

AGAINST: Charles G. Crockett

ABSTENTIONS: None

Ordinance No. 1173 was approved on first, but not final, reading.

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Crockett reporting for the Public Works Committee, reported regarding the New River Regional Water Authority preliminary Service Agreement. He stated that this week, the New River Regional Water Authority will have meetings with various funding agencies in an effort to get loan commitments for improvements needed for the water treatment plant on the New River and various distribution lines needed to create the regional water authority.

Councilman Crockett noted that over the past months, the Authority has been working on a rather lengthy and complex agreement between the three participating jurisdictions (Wythe County, Carroll County, and the Town of Wytheville) that sets forth the volumes of water each community will consume from the regional facility, billing methods, and how future allocations of consumption can be changed. He advised that this rather lengthy document is not complete as of yet, though work on it continues. Councilman Crockett explained that the funding agencies the Authority will be meeting with have requested that some simple form of the agreement be adopted by the three governing bodies merely to illustrate that there is a commitment by the three governing bodies to create this regional water system. He advised that obviously, the lending agencies do not want to proceed with the loan application process if the governing bodies are not committed to the project. Councilman Crockett indicated that the Committee has attached, for the Council's review, the simple form of the service agreement between the three jurisdictions. He stated that both Committees have had the opportunity to review this document in the past few weeks, and they do not see any problems associated with it. Councilman Crockett advised that as such, it would be the recommendation of the Public Works Committee that the Council adopt the preliminary service agreement of the New River Regional Water Authority. Mayor Crewe noted the only comment he has that he would ask Town staff to review, and noted that he understands that the Town has to adopt exactly the same language as the other entities, but the Background Statement, which is the second paragraph on the first page states "created under the Act by any Locality" and then it talks about "The Authority intends to acquire..." He inquired if there is a difference in the word "locality" versus "public body, politic, and corporate." Mayor Crewe noted that in other words, can anyone join it later, and indicated that he is thinking about the Radford, Montgomery issues of who wants in now and who wants in later. He advised that it states, "in order to furnish the supply of water to the Counties of Carroll and Wythe and the Town of Wytheville...or any authority (including Carroll PSA) created under the Act by any Locality." Mayor Crewe stated that only an authority could come in later, and not another locality can come in later. Councilman Crockett explained that this is not necessarily true. Mayor Crewe advised that he is assuming this was discussed and that is why he mentioned it. Councilman Crockett stated that the issue came up early on about Hillsville and possibly Galax and two or three other localities, and for various reasons, Galax never chose to be interested in this, and, then, Hillsville decided they were not interested in this, and they voted it down. He remarked that Town Manager Sutherland has been in on all of these discussions, and he may want to add something, but he advised that he would think that the way it is currently stipulated is that this would be something that they would have to take up at some later point. Councilman Crockett stated that if some locality requested to come into the Authority, he is sure there would be compensation involved and various things of this nature. He noted he believes the one that Mayor Crewe mentioned, Christiansburg, is the same thing and inquired if it was Christiansburg or Blacksburg that did not come in. Town Manager Sutherland advised that it was Montgomery County. Councilman Crockett advised that he knows the issue has come up, if he is not mistaken, that there would have to be a considerable amount of compensation if they were to become a member now, and it would be almost prohibitive, he would think. Town Manager Sutherland stated that Councilman Crockett is correct, and this was, in fact, the nature of their discussion. He noted the reason the words "(including Carroll PSA)" are included is that Carroll County has, apparently, now, and the Town of Hillsville and even other parts of the county are looking at consolidating their services so the Authority would be selling water to the Carroll County PSA. Town Manager Sutherland pointed out that he thinks the larger, lengthier document will address who can get in and who can get out in a great deal of detail. Mayor Crewe explained that not having been involved in those discussions, it appeared to him that Carroll County was "double dipping," once as Carroll County and once as the Carroll County Public Service Authority. Mayor Crewe stated as long as the New River Regional Water Authority discussed this and that is an issue, he assumed that this wording is in the agreement for some particular reason, but he did not know what it was. He noted the motion is on the floor coming from the Public Works Committee to adopt the New River Regional Water Authority preliminary Service Agreement. 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, John W. Jones, Jr., Charles G. Crockett. Against: None.

It was the consensus of Council to adopt the remainder of the Public Works Committee report that included the discussion on the request to change the name of 4th Street and an update on the Solid Waste Management Plan. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: BUDGET AND FINANCE COMMITTEE REPORT

Mayor Crewe advised the next agenda item is the consideration of the Budget and Finance Committee report. He stated that the Council has already taken care of the budget that was the action item the Committee had on their report. Mayor Crewe remarked that the other item to be

reported on is the operations budget for the Community Center Project. Mayor Crewe explained that the Town is awaiting more information, and it did not require any action at this meeting. It was the consensus of the Council to adopt the Budget and Finance Committee report which is attached and made part of these minutes. ([Attachment](#)).

RE: OLD BUSINESS

Town Manager Sutherland advised that the only item of Old Business on which he had to report was regarding Reese Trucking, and this was discussed earlier in the meeting.

RE: RENAMING OF FOURTH STREET

Ms. Halsey inquired regarding the renaming of Fourth Street and if the Council is going to discuss this. She noted that she was shocked when she saw this on the agenda. Mayor Crewe explained that the Council is not going to rename Fourth Street, and the recommendation from the Committee is not to rename Fourth Street. He advised that he will be glad to show the report to Ms. Halsey. Mayor Crewe advised that the recommendation to not rename the street is in the Public Works Committee report, and Ms. Halsey would not know this because she does not have a copy of the report. He stated that the conclusion is not to rename the street. Mayor Crewe indicated that the Committee thinks the suggestion to name a street after Edith Bolling Wilson is appropriate, but they do not have a recommendation now for naming a street. He noted that the Committee thinks, for example, a street that could be named as requested would be the new roadway serving the Community Center, but not to change the name of Fourth Street, and the Committee thinks that Fourth Street should not be renamed. Ms. Halsey advised that she always states that the citizens should attend more Council meetings, because it is the business of the town. Vice-Mayor King thanked Ms. Halsey for attending the meeting.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (9:45 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, CMC, Clerk of Council

PUBLIC WORKS COMMITTEE REPORT

JUNE 14, 2004

1. At the last meeting of Council, we received a request that the name of North Fourth Street be changed to Edith Bolling Wilson Avenue. We think the suggestion is well taken and, certainly, something commemorating Mrs. Wilson would be appropriate. However, we think that there are a couple of reasons why North Fourth Street should not be renamed. First, changing the name of the street would require all residences and businesses along this portion of roadway to revise their address. The revision of a street address is a very cumbersome process for citizens, and we suspect that most property owners along this route would be opposed to the name change. Secondly, all of the north-south streets in the older sections of town are numbered. This could potentially cause confusion to many people if the numbering sequence was interrupted.

We do think, however, that the suggestion to name a street after Mrs. Wilson is appropriate. We do not have a recommendation now for the naming of a street, but would suggest an example of a street that could be named as requested would be the new roadway that will serve the new Community Center. Construction of this road is some time out, but a new, important road such as this or others that are in the plans would be appropriate.

In summary, it is the recommendation of the Public Works Committee that North Fourth Street not be renamed Edith Bolling Wilson Avenue.

2. Several months ago, we reported that the State Division of Waste Management had mandated that all communities in Virginia update their Solid Waste Management Program. The purpose of this update is to create a long-term vision for Solid Waste Management Programs. The plan must include a considerable amount of detail and addresses recycling efforts, points of disposal, transportation of solid waste and a variety of other issues. Wythe County, Rural Retreat, and we joined with other communities in the Mount Rogers Planning District Commission to develop a regional Solid Waste Management Plan. All of the participating governments jointly funded the employment of an engineering firm to prepare this report. As you can imagine, assembling all of this information from the many communities involved has become somewhat more of a time-consuming project than was first anticipated. The Division of Solid Waste required that all plans be submitted by July 1, but, upon application to them, they will provide a sixty-day extension. The Mount Rogers Planning District Commission has sought and received this extension, which gives us some more time to finalize the regional document. In the near future, the three governing bodies in Wythe County will conduct a joint public hearing on this solid waste planning document. At this time, the date has not been established, but we would anticipate that it would be within the next several weeks. There is no action needed by the Council at this time, but we did want to give everyone an update on the status of this project.

3. This week, the New River Regional Water Authority will have meetings with various funding agencies in an effort to get loan commitments for improvements needed for the water treatment plant on the New River and various distribution lines needed to create the regional water authority. Over the past months, the Authority has been working on a rather lengthy and complex agreement between the three participating jurisdictions

(Wythe County, Carroll County, and the Town of Wytheville) that sets forth the volumes of water each community will consume from the regional facility, billing methods, and how future allocations of consumption can be changed. This rather lengthy document is not complete as of yet, though work on it continues. The funding agencies the Authority will be meeting with have requested that some simple form of the agreement be adopted by the three governing bodies merely to illustrate that there is a commitment by the three governing bodies to create this regional water system. Obviously, the lending agencies do not want to proceed with the loan application process if the governing bodies are not committed to the project. We have attached, for your review, the simple form of the service agreement between the three jurisdictions. Both Committees have had the opportunity to review this document in the past few weeks, and we do not see any problems associated with it. As such, it would be the recommendation of the Public Works Committee that the Council adopt the preliminary service agreement of the New River Regional Water Authority.

William B. Weisiger

Charles G. Crockett

BUDGET AND FINANCE COMMITTEE REPORT

JUNE 14, 2004

1. Earlier this evening, the public hearing was conducted to consider the Town's budget for fiscal year 2004-2005. Later this evening, the budget will be considered on the second of three readings of the Budget Ordinance. The projected budget totals \$19,449,240. This total amount, which is the combination of both the General Fund and the Water/Sewer Fund, is \$636,700 less than the projected amount on first reading. As you may recall, the proposed water and sewer rate increase that was included in the budget on the first reading was reduced. The projected rate increase is now a three percent rate increase effective January 1, 2005, with a three percent per year rate increase for the subsequent four years. With exception of the reduction in the proposed rate increase to water and sewer, there are no other revisions to the proposed budget. The budget does reflect the increase of the tax on cigarettes by increasing the amount per pack by 6 cents, making the local taxation on a pack of cigarettes of 25 or fewer a total of 9 cents. This increase will generate approximately \$101,250 per year. The second tax increase that is included in the budget is an increase from \$1 to \$2 of the tax on E-911 services. The funds that will be generated to meet State mandated programs will be an additional \$71,000 per year.

The budget will be considered on third and final reading at the June 28th meeting of Council. It is required that the budget be adopted at that meeting, but it can be amended at any time until final adoption.

2. We have been working diligently to get the new Community Center project underway. The plans and specifications have been approved by the state office at Rural Development and have been sent to Washington, D. C. for final review. As we have gone through the process of trying to close out the loan with Rural Development, they have now noted that we will need to provide some additional documentation before closing. One component of this documentation is a maintenance and operations budget for this new facility. This budget will consist of not only the debt service on the building, but the projected cost of all other operational aspects such as personnel, utilities, maintenance, etc. The Committee will be developing this budget over the next week or so and, hopefully, will be in a position to bring it to the Council for consideration at the June 28th meeting. We just learned of this requirement this week, and, heretofore, it had not been required for adoption by the Council by Rural Development.

Jacqueline K. King

John W. Jones, Jr.