

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JUNE 28, 2004, AT 7:00 P.M.**

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

Members absent: None

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, Councilman-elect Judson Lambert, Patrol Officers Chris Irvin and John Humphrey, Danny Gordon with WYVE/WXBX, Stephanie Porter-Nichols with Wytheville Enterprise, Jayne K. Hall, Andy Kegley, Betty Robinette, Vaughn Cassell, Don Biehl, Rita Biehl, Daniel Robinette, Benny Lynn, Virginia Cassell, C. D. Tarter, Martha P. Umberger, Edmund Pendleton, Joe Speidel, Marie G. Flanagan, Phyllis Kirk, Dean Kirk, Nancy Humphreys, Colin Peel, Curtis Humphreys, Clara Farthing, Betty Vaught, Becky Absher, Valerie Ryan, Roy Hand, Walt Jones, Heidi Mabe, Joe Hash, Judy Goff, Dennis Goff, George Farthing, Kathie F. Caldwell, Alan Hawthorne, Sherry Hawthorne, Dexter Davis, Sue Davis, Agnes Eades, Mark Boenke, Coleman Shuler

RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE

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

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of June 14, 2004. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to approve the consent agenda consisting of the minutes of the regular meeting of June 14, 2004. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

RE: PUBLIC HEARING – BUDGET AMENDMENT

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider amending the line item in the budget for fiscal year 2003-04 for the water construction department. He advised that the Council found when they arrived at the meeting a memo with the amounts listed in it. Mayor Crewe noted that the Council had advertised for a public hearing to be considered at this meeting for amendments to the water construction department line item in the budget. He stated that this fiscal year's 2003-04 budget would need to be amended for the water construction department and a loan from the General Fund revenue line item in the amount of \$455,000. Mayor Crewe noted that the Town will need an additional \$245,000 loan from the General Fund to the Water/Sewer Fund to cover the expenditures incurred by the Water/Sewer Fund but paid by the General Fund. Mayor Crewe inquired if there are persons present who wish to address the Town Council during the public hearing regarding this matter. He explained that the Council will take action on this matter later in the meeting, but they did advertise for a public hearing for the water/sewer budget and the General Fund transfer of funds. There being no one who desired to address the Council during the public hearing, Mayor Crewe declared the public hearing closed.

RE: DEERFIELD PROJECT SUBDIVISION

Mayor Crewe stated that in reviewing the sign up sheets, he knows most of the citizens and why they are attending the meeting. He noted that with the indulgence of Council, he would propose that the Council move to Agenda Item L(2), which is the last item on the agenda, 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 inquired if any of the Council members have any problems with considering this agenda item. It was the consensus of the Council to consider the Deerfield Project Subdivision. Mayor Crewe advised that Mr. Edmund Pendleton and Mr. Alan Hawthorne were the first persons to request to speak on this topic, and

noted that he will hear from them and then he will go through the remainder of the sign up sheets.

Mr. Edmund Pendleton was recognized and stated he is attending the meeting as a representative of the Board of Mountain Shelter. He noted that he would like to clarify a few questions that have come up in the past couple of weeks to ensure that the Council understands. Mr. Pendleton indicated that first, as the Council knows, their proposal had three exceptions. He stated that two of the exceptions had to do with the stormwater program, which they think is really an asset to the development and also the County. Mr. Pendleton explained that the third exception had to do with the type of turnarounds the development has, which will tie into the future development. He reiterated that the Mountain Shelter Board thinks that these are assets for this particular project, but noted that if Council, in its judgment, feels that they should make some changes, the Mountain Shelter Board would understand this. Mr. Pendleton remarked that in other words, what they are stating is that although the Board thinks the exceptions are for the best of the project and the community, they are not going to let those stand in the way of this should it happen to be something that the Council decides they do not want to do. He advised that he would like to make this clear. Mr. Pendleton stated the second point he would like to make clear is at the last meeting, there were some questions about the Federation of Appalachian Housing Enterprises (FAHE). He indicated that FAHE is an organization that has been in existence for 20+ years, and it is made up of 33 nonprofit units in four states including West Virginia, Virginia, Tennessee, and Kentucky. Mr. Pendleton explained that over the years, FAHE has been assisting the various different organizations with that, and Mountain Shelter happens to belong to FAHE. He stated that today, FAHE has an asset base of its own of \$25 million. Mr. Pendleton noted that when the Deerfield Project came up, and they received the funding and the funding was authorized, Mountain Shelter had held an option on the property for about two and one-half to three years. He explained that the payment option was past due. Mr. Pendleton remarked that Mountain Shelter went to FAHE and asked them to provide them with assistance. He noted that basically, it is a loan, but explained that FAHE actually purchased the property, and Mountain Shelter is going to buy it back from them. Mr. Pendleton advised that their investment, at this particular point, is only about \$240,000, but advised that this is a \$1 million project. He stated that as Mountain Shelter purchases the land, they receive the funds from FAHE. Mr. Pendleton advised that they are paying FAHE interest like they would any other financier. He noted that he wanted to make the role of FAHE clear. Mr. Pendleton inquired if there are any questions on these two points, and, if not, he would like to speak as an employer and not a member of the Mountain Shelter Board. He stated that if they take an individual in Wythe County who makes \$13 per hour, and there are a number of jobs that are considered good jobs at this rate, then this is an annual salary of approximately \$27,000. Mr. Pendleton pointed out that there are individuals who could qualify under this program up to \$30,000 or a little higher, depending on how it is finalized. He stated the point he wants to make is that this is not a rental project, but it is a project that provides an opportunity for many younger people who have come out of technical school or a community college, or Town employees, for example, such as the water technicians or the technicians that go to the sewer plant, or the police force of 24 members. He explained that approximately one third of the 24 members of the police force would qualify assuming that they meet the other qualifications because of their rate of pay. Mr. Pendleton explained that Wytheville does not have this, and Mountain Shelter is talking about homeownership, and an opportunity for younger people. He noted that he can tell the Council from his younger days of employment that it is difficult to keep young people in this area because when they go off to a professional school and get a two-year degree, etc., they cannot find the opportunities in Wythe County. Mr. Pendleton pointed out that this housing development would provide them at least some incentive if they could receive good housing, and reiterated that this may provide an incentive. He advised that he wanted to state that this is one thing he is noting from a personal perspective. Mayor Crewe thanked Mr. Pendleton for his comments and for attending the meeting.

Dr. Alan Hawthorne was recognized and stated he appreciates the opportunity to share some information with the Town Council. He noted he has been asked to comment on the relationship of economic development and affordable housing. Dr. Hawthorne indicated that this is a general statement and not project specific. He advised that one of the things he would like to put into context, and noted this was alluded to a little earlier, was the community wages and the relationship to housing. Dr. Hawthorne remarked that he looked at the average annual income for citizens in Wythe County, and noted this would be based on citizens who would be filing ES202, or the unemployment insurance filings. He noted this is data available from the Virginia Employment Commission. Dr. Hawthorne remarked that the average for all positions of \$25,044, what is classified as the new hire, which are those new persons who come on the payroll within that reporting quarter, was approximately \$17,600. He noted that even in manufacturing, the overall average wage is \$32,454, and the new hire in manufacturing is \$25,158. Dr. Hawthorne explained that another very important category in employment is the services category, and noted the average wage is \$25,122, and the average wage for new hires

in the services sector is \$15,636. He noted that the Council can see that based on the average annual salary, there is, certainly, a need for affordable housing. Dr. Hawthorne stated that he thinks some of the rules of thumb and guidance is that people should not be spending more than 30 percent of the income for housing related expenses. He noted that this does not allow a lot for that based on these particular wages. Dr. Hawthorne stated that most of their focus is basic employment, new industrial base, etc. He noted that the majority of the employees associated with these projects will, certainly, fall into that \$20,000 to \$30,000 annual wages. Dr. Hawthorne noted that typically, there are some higher managerial levels and professional technical levels that would be higher than these annual wages, but the majority of employees, particularly production employees, would be looking to make this type of annual salary range. He stated that as business and industrial prospects come to town, they are very interested in the availability of housing. Dr. Hawthorne noted that they look for a good range, and advised that they are looking for some nice high end housing, and advised that there is a smaller demand for this than there is for the production employees. He explained that, particularly, when they are hiring the majority of their people locally, the businesses want to know that there is a good available pool for housing because they know what wages they are going to be paying, and they want to see that housing is available for this. Dr. Hawthorne remarked that this is something of interest to the prospects that come to town, and it is, certainly, an important component of economic development. He noted that housing is one of the many facets that is reviewed when businesses are looking at an opportunity. Dr. Hawthorne inquired if there are any questions. Mayor Crewe thanked Dr. Hawthorne for his comments and noted that Dr. Hawthorne is attending the meeting in his capacity as the Executive Director of the Joint Industrial Development Authority and the Crossroads Regional Industrial Facility Authority. Dr. Hawthorne advised that he is not a citizen of the Town of Wytheville. Mr. Dennis Goff noted that Dr. Hawthorne has been quoting the average income and inquired as to the median family income because he thinks this is what they are using to qualify families for these homes and inquired if that is correct. Mayor Crewe stated he does not know if the Virginia Employment Commission publishes such a number. Mr. Goff stated that the Virginia Employment Commission does publish the median family income. Dr. Hawthorne indicated that the median family income is available from the census data that is available, but noted he does not have this number with him. Mr. Goff stated there is a difference in the average income and the median family income. Mayor Crewe advised that Dr. Hawthorne does not have this number available at this meeting. Dr. Hawthorne indicated that he can provide this number to Town staff. Mayor Crewe inquired if there are any further questions or comments for Dr. Hawthorne. There being none, he thanked Dr. Hawthorne for his comments.

Mayor Crewe stated that most of the citizens attending the meeting also attended the meeting two weeks ago when this subdivision request was tabled. He noted there are also quite a few individuals who did not attend the last meeting. He noted that he should have done this first and indicated that he will explain where the Council is in this process so everyone will be aware. Mayor Crewe remarked that two weeks ago, at the Town Council meeting, there was a recommendation made to the Town Council by the Planning Commission after they had gone through their public hearing and their process, and the motion to act on the Planning Commission recommendation was tabled. He explained that the motion was to table the recommendation from the Planning Commission, and this is the reason that this topic is on the agenda for this meeting. Mayor Crewe stated that many citizens spoke two weeks ago. He indicated for those citizens who did not attend the last meeting and may not be aware, what is before the Council at this meeting is the recommendation from the Planning Commission to grant the final approval of the request of the Federation of Appalachian Housing Enterprises, Inc. for the approval of the subdivision that is known as Deerfield with eight stipulations. He advised that the eight stipulations the Planning Commission recommended include, "Complete technical compliance with the Subdivision Ordinance exclusive of a waiver for street width, curb and gutter, and the requirement for cul-de-sacs." He explained that Mr. Pendleton just mentioned that the three things that Mountain Shelter is requesting the Council to waive is the requirement in the Town Subdivision Ordinance which requires a street paved width of 30 feet, and they are asking the Council to waive this requirement and they are proposing a paved street of 24 feet in width with eight feet of geotechnic block on the shoulders, but not 30 feet of pavement. Mayor Crewe noted that this is the difference in the Town's ordinance and what FAHE is requesting on the street width. He stated for curb and guttering, the Town's ordinance requires all of the subdivision to be curbed and guttered, and FAHE is requesting not to be required to put in the curb and guttering because they are proposing to do what is called a low impact development stormwater management plan. Mayor Crewe indicated that he is sure everyone will hear more about this later, but, basically, the explanation he would give, and advised that he is only speaking for himself and the other Council members can speak on their own, but what has been done in the past is to catch the rainwater where it falls and move it some place else, and this requires curb and guttering, piping, conduits, holding ponds, etc. He reiterated that is what the Town has always done, and advised that most of the State has been doing this for years. Mayor Crewe noted that about 10 years ago, a new process was

developed, but it has not been tried in the Town of Wytheville or anywhere that Town staff is aware of in the County. He explained that it has been tried in some other places in southwest Virginia, and it is referred to as low impact development stormwater management. Mayor Crewe noted that this system catches the water where it falls and allows it to permeate in the soil and be handled on site. He stated that in other words, instead of the rain being taken away from the lot the house sits on and into the gutter, and then collected there, it is dealt with on the lot itself. Mayor Crewe noted that these are referred to as rain gardens, bioretention areas, etc., and this is what FAHE is requesting in this subdivision request. He explained that the second request is that the Council waive the requirement for curb and gutter in all of the development. Mayor Crewe stated the third requirement is that the Subdivision Ordinance requires that cul-de-sacs be round with a circular end at the end of a dead end street. He noted that FAHE is asking that this requirement be waived on two particular streets because those two streets that are proposed to be built in Phase I stop where another street that they intersect at a right angle is proposed to be constructed in Phase II. Mayor Crewe noted that Mountain Shelter has inquired as to why install a round cul-de-sac that they will have to rip out later when they build Phase II and construct a street. He stated they would like to install what is commonly referred to as a "hammerhead" cul-de-sac, which is like a "T" shaped cul-de-sac. Mayor Crewe explained that there are some State regulations regarding the width and the length, but the cul-de-sac is not round but "T" shaped, and it is hammerhead shaped. He noted the reason for this is that the "hammerhead" part of it, if the audience can visualize it that way, is in the street that would be built in Phase II. Mayor Crewe advised that the "handle" of the "hammer" is the street that is being constructed in Phase I. He summarized that these are the three items that FAHE is requesting the Town Council to waive and this includes the street width, the curb and guttering, and the cul-de-sacs. Mayor Crewe stated that the first recommendation or stipulation from the Planning Commission is these complete technical compliances be waived. He noted that everything else in the Subdivision Ordinance will be complied with except for those three items. Mayor Crewe advised that the second stipulation is the waiver of the curb and gutter requirement, street widths, and the requirement for cul-de-sacs. He reiterated that the first stipulation is that everything in the subdivision comply with the Subdivision Ordinance but the waiver of the street width, curb and gutter, and the cul-de-sacs. Mayor Crewe noted that stipulation #2 is, "Waiver of the curb and gutter requirements, street widths, and the requirement for cul-de-sacs." He stated that the third stipulation is that "Management strategies for the Low Impact Development stormwater management shall be developed and narrated. Responsibilities for, and enforcement of, deed restrictions on the individual lots. (Each lot 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." Mayor Crewe advised that his explanation of this long paragraph is that whatever mechanism is developed for this low impact stormwater management be such that it can be enforced forever, and it is not something that will go away in two, three, or five years when the development is finished. He noted that it is something that will be there, and there is a mechanism in place to keep it as it is supposed to be for perpetuity. He noted that the fourth stipulation is that "The Low Impact Development bioretention areas, and stated these are depressions on the lots where the water would collect, 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." Mayor Crewe explained that Mountain Shelter will have to devise how this will be addressed. He remarked that the fifth stipulation states that "A performance bond or some 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." Mayor Crewe explained that Mountain Shelter will have to post a financial bond to pay for anything that goes wrong. He noted that the sixth stipulation notes that "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.)" Mayor Crewe indicated that the seventh stipulation is that "Air release valves be installed at the dead end sections of water lines, or that the water line be looped along the existing right of way." He explained that this is so there will not be a dead end water line that the Town would not have an air release valve in. Mayor Crewe stated the eighth stipulation is that "The streetlight on West Lee Highway at the development entrance shall be upgraded to a higher wattage fixture." He noted that in other words, the light fixture needs to be brighter on Route 11. Mayor Crewe summarized that these are the eight stipulations that have come to the Town Council from the Planning Commission, and this is the Commission's recommendation. He inquired if before he starts recognizing people to speak who signed up to address Council if there are any members of Town Council who would like to make comments or ask any questions. There being none, Mayor Crewe noted

he would recognize citizens to address the Town Council. He explained that Town Council wants to ensure that everyone has the opportunity to be heard. Mayor Crewe stated that Town Council wants to hear from everyone and give them an opportunity to state what they desire. He noted that the Council knows this is important to the citizens or they would not have taken the time to attend the meeting, and the Council appreciates this. Mayor Crewe stated that he is going to request that until everyone has an opportunity to speak, that citizens limit their comments to no more than five minutes. He requested those speaking to please come forward to the microphone and the lectern so everyone can hear and the minutes can be properly recorded, and so that the Council can identify the speaker and ensure that their comments are recorded accurately.

Mayor Crewe recognized Ms. Betty Robinette who stated that she has a concern about when the codes for the subdivisions were established, and she feels there must have been good reasons for having these codes, and all of a sudden those are being asked to be waived. She remarked that her concern has to do with the water and the drainage, and, also, for the safety. Ms. Robinette explained that if the roads are narrow for school busses, and similar vehicles, this is a concern that she has. She noted she thinks these requirements are something that should not be done away with based on safety. Mayor Crewe thanked Ms. Robinette for her comments and for attending the meeting.

Mayor Crewe recognized Mr. Vaughn Cassell who stated that he lives at 725 Country Club Drive. He noted that as he understands it, at this meeting, the Town Council is being asked to give some variances or some waivers to some parts of the Subdivision Ordinance. Mr. Cassell indicated that it is his understanding that the reason for the Subdivision Ordinance being enacted is to protect the purchasers who purchase property in a subdivision, and, also, the ordinance protects the Town from developers who take shortcuts and cause problems that the Town has to pay for to correct at a later date. He noted that Wytheville has these rules and regulations for a purpose, so if they are not enforced, he inquired as to why the Town has them. Mr. Cassell indicated that on the narrow streets, he can personally tell the Council about this. He noted that he lives on Country Club Drive, and advised that the subdivision was established in the County prior to annexation by the Town, and noted that he thinks that this is the most narrow paved street in an R-1 Residential zoned area in the town. Mr. Cassell remarked that if someone has company and all of the cars cannot park in the driveways and have to park along the sides of the street, two cars cannot pass, and they have to stop and let one car pass and then the other car go through. He noted that these narrow streets do present a problem. Mr. Cassell advised that in this proposed subdivision, he understands that the driveways will only be paved for two automobiles, so there is bound to be some on-street parking. He noted that what he is asking of the Council at this meeting is to enforce the Subdivision Ordinance as written and continue to do so on future developments. Mr. Cassell remarked that possibly, if this is done, the Town will not have to face the upset citizens at future hearings for subdivisions. Mayor Crewe thanked Mr. Cassell for his comments and for attending the meeting.

Mayor Crewe then recognized Mr. Colin Peel who stated that he has mixed emotions about the proposed subdivision. He noted that he looks at the audience of citizens attending the meeting, and there are a lot of people who give to Mountain Shelter and Agape Pantry. Mr. Peel indicated that this is the most caring community in which he has ever lived. He noted he has lived in 14 communities. Mr. Peel indicated that they give more than anything else in the world. He stated that ordinances are in place, and the center of those rulings has to be made by the Council. Mr. Peel noted his concern is that if the people who give to the community do not want something in their backdoor, they are going to stop giving, and this is not what Wytheville is all about. He stated the Council needs to take this into consideration as to the long term impacts to a lot of the charities that the town has, and when they give and build the charities, that they can come back and possibly not be where they thought they would be or what they would be. Mr. Peel noted that this is information for the Council to consider. Mayor Crewe thanked Mr. Peel for his comments and for attending the meeting.

Mayor Crewe recognized Mrs. Clara Farthing who stated she lives at 290 Fairway Lane. She remarked that she wanted to speak when Mr. Hawthorne spoke, and noted that she had not planned to speak on that, but in looking at the latest real estate guide for the Town of Wytheville and Wythe County, she counted over 100 houses less than \$124,000, and they are available, and some of them really look nice, and they have very large lots. She advised that Mr. Andy Kegley told her that he could have secured another location in the County and in the Town, and inquired as to why they did not do this and get one without all of the exceptions that the Council will be faced with in the future. Mrs. Farthing remarked that she feels that the Council has the responsibility to the citizens of Wytheville to act in their best interest. She stated that they had, and still have, faith that the Council will act in their interest. Mrs. Farthing pointed out that it is the Council's obligation, she feels, to block this request from Mountain Shelter as it is out of

character of their neighborhood. Mayor Crewe thanked Mrs. Farthing for her comments and for attending the meeting.

Mayor Crewe recognized Mr. Joe Hash who stated that he lives at 860 Country Club Drive. He noted that he and his wife built a house approximately four years ago and moved there. Mr. Hash advised that two weeks ago, he spoke to the Council at their meeting and noted he had three concerns at that point concerning the proposed development. He stated that his first concern was the potential of property value loss with the proposed subdivision. Mr. Hash noted that he is not going to speak to this at this meeting and advised that he has stated what he feels regarding the potential property value loss, and he will let this case rest. He stated that he is also concerned that anything he may state may be taken out of context and the local newspaper will write him up as somewhere between the wicked witch and Ebenezer Scrooge. Mr. Hash noted he is going to bypass the property value topic at this meeting. He stated that his second concern is that everyone is not getting a true picture of what is going to be developed. Mr. Hash remarked that he still has this concern but advised that he is not going to restate this and go into this. He noted that he still thinks there are a lot of gray areas in the development as to what is being planned and what is actually going to be developed. Mr. Hash stated that his third concern, and noted it was also echoed by several other speakers who spoke two weeks ago, is does the Town of Wytheville really need this project and what will it do for Wytheville to benefit the citizens of Wytheville. He noted that this is what he would briefly like to speak on at this meeting. Mr. Hash pointed out that Mountain Shelter has indicated that the need for this project has been reported by realtors, mobile home suppliers, and others, and this is what drives the project to receive the funding. He noted that the audience just heard some numbers that were discussed as to what they feel the need is, but there is still no waiting list that he is aware of regarding the number of people who want to purchase these homes and have a need to purchase these homes. Mr. Hash remarked that he has one interesting number, and noted that he picked up the real estate guide, also, and there are 137 homes listed in the book, and 69 of them are below the asking price of \$125,000. He noted that over 50 percent of the homes that are listed in the real estate guide fall below the \$125,000 price range. Mr. Hash advised that his question is if there is a need for another 18 or 30 homes that fall into this category in the location in which they are going to build them. He noted that, also, it has been stated that the only real consideration is if the project meets R-1 Residential District standards and the Subdivision Ordinance. Mr. Hash pointed out that these are very important considerations, without a doubt, but there is also a consideration as to the need for this subdivision, and, also, if the citizens want it and will benefit from it. He advised that before he came to Wytheville, there was a prison issue that came up in Wytheville, and this is how he understands it. Mr. Hash noted he is sure that the State of Virginia had all of the various zoning requirements and ordinances met before they proposed to build a prison in or near Wytheville, but advised that the prison was defeated because the citizens of Wytheville did not want it. He indicated that, again, he is before the Council inquiring if the town really needs this project. Mr. Hash stated that he has not heard any numbers that convince him that the town needs this project. He noted that, finally, one of his favorite movies is *Field of Dreams*, and advised that it is a baseball story. Mr. Hash remarked that the movie is about an Iowa corn farmer who keeps hearing voices that someone is telling him to build this major baseball field in the middle of his farm in Iowa. He noted that in the movie, the voice keeps telling this farmer to build the baseball field, and the people will come. Mr. Hash advised that his voice is stating to him to build it in Wytheville, and everyone will see what comes, and what it does become after it is built. He stated that *Field of Dreams* had a happy ending, and noted he is sure that someone at this meeting is going to be disappointed and advised that it has to be this way. Mr. Hash advised, however, that he would trust that each and everyone of the Council members' in their vote will be a vote for the best interest of the Wytheville citizens, both present and future. He thanked the Council for the opportunity to address them. Mayor Crewe thanked Mr. Hash for his comments and for attending the meeting.

Mayor Crewe recognized Mr. George Farthing who advised that he lives at 290 Fairway Lane, Wytheville. He noted that he had not planned to state anything at this meeting, and indicated that all of the Council knows his feelings from his remarks from the last meeting, but stated that it is a real concern for him. Mr. Farthing remarked that if the Council looks around the room, it is a real concern to a lot of people. He noted that the Town Council has a responsibility not only to Mr. Kegley and his organization, but, also, to the citizens of Wytheville. Mr. Farthing stated that their neighborhood group did not come to the meeting to make trouble, but for one purpose, and that is they are against this project. He noted that for this project, the housing can be colored anything the Council wants to, but when they remove the coloring, it is still undesirable compared to their neighborhood that they have worked hard for. Mr. Farthing stated that their neighborhood did not need any of these exceptions when they built their homes. He advised that he would ask the Council to look at this very closely, and noted he is sure the Council will, and noted that he does not have to remind them of their responsibility. Mr. Farthing noted that when the Council makes its vote, remember that this is for Wytheville, and what it is going to be

10 years from now. He stated that the bond runs out in five years, and they do not know that this project is going to work. Mr. Farthing pointed out that one thing they do know is if Mountain Shelter puts in a street like they are requesting and some of the exceptions that they have asked for, it can prove to be a safety factor for not only emergency vehicles, but also for Town equipment or any other vehicles that are oversized that have to go in this development. Mr. Farthing stated that he would ask the Town Council to take all of this into consideration. He advised that he hopes the Council will vote in a way that will be something that all of the citizens can live with. Mayor Crewe thanked Mr. Farthing for his comments and for attending the meeting.

Mayor Crewe stated that he appreciates all of the citizens voicing their concerns and doing it within the five minute time limit. He noted that the Council appreciates the orderliness in which the citizens have acted. Mayor Crewe stated that according to the sign up sheets, everyone who requested to speak on this particular topic has been recognized and been given the opportunity to speak. He inquired if there are others who wish to speak regarding the subdivision request.

Ms. Becky Absher was recognized and stated she did not intend to speak but something peaked her interest because of where she works. She advised that she lives at 275 Fairway Lane, and noted she has lived there for 24 years. Ms. Absher indicated that one thing that concerned her is when they talked about the rain gardens. She remarked that she is not familiar with the stormwater system to which they are referring. Ms. Absher noted that a concern, and advised that it is an increasing concern with the Health Department, would be water that is stagnated. She stated that any kind of low lying areas, and remarked that, unfortunately, if any members of the audience went to Chautauqua on Saturday, they could tell what happens when there is water that is standing and stagnates. Ms. Absher noted there was the advent of the West Nile virus, which people hear about in the news, and worse than West Nile that people do not know about is something called Triple E, which is a very serious concern that is carried by mosquitoes and those types of insects. She stated that coming from a state like Alabama where mosquitoes are certainly a problem, and coming from seeing some of the problems that have been caused by certain systems with water that stagnates and allows it to sit, this is a tremendous concern to her. Ms. Absher remarked that the Council has stated that Mountain Shelter would address, and noted she wonders how they are going to address, the mosquito problem. Mayor Crewe indicated that he can tell Ms. Absher what the diagrams and the information show, that Ms. Absher probably has not seen, and noted that anyone else can comment, but a rain garden is not a pond, a puddle, or a bare expanse of water. He explained that it is a depressed area six to eight inches deep and they are lined with vegetation and plants that evaporate water and use water and there are specially designed kinds of plants for this environment. Ms. Absher inquired if the rain gardens contain sod. Mayor Crewe noted that they could have sod, but they are lined and have a drainage sump at the bottom and rock in the bottom and they are layered with different kinds of soil. He stated that one of the issues with this project is there has to be some soil testing done to see that the soil handles the water. Ms. Absher noted that this soil testing would be a tremendous concern. Mayor Crewe advised that the idea is that the water percolates into the ground and goes back into the groundwater table and it does not stagnate. Ms. Absher remarked that the last question she has of Council is that they know with as much opposition that they have at this meeting from people who have been citizens of the town for years, why they would want to approve this and do that to their neighborhood. She stated that she realizes the Council wants to help out Mr. Kegley, but it looks to her as if there could be some other location where they could place this project if the Council thinks the project is needed. Ms. Absher inquired as to why the Council would want to approve this project to be located at some place where there is so much opposition and people feel strongly about it, and noted she does not understand why the Council would want to do this. Mayor Crewe thanked Ms. Absher for her comments and for attending the meeting.

Mayor Crewe inquired if there are others who wish to address the Council regarding the subdivision request. He noted he wanted to ensure that everyone has the opportunity to speak. He advised Mr. Coleman Shuler that he is not forgetting to call on him, but he knows he wants to address the Council regarding a different topic. Mayor Crewe reiterated that he is not skipping calling on Mr. Shuler, and he will recognize him in a few moments. Mr. Shuler inquired if he will be recognized shortly because he would like to make a comment regarding the subdivision request. Mayor Crewe noted that if Mr. Shuler wanted to speak on the Deerfield subdivision, the Council will be glad to hear from him, but he will limit Mr. Shuler's comments to the subdivision since that is the agenda item the Council is considering at this time. Mr. Coleman Shuler stated that he did not attend the meeting to speak on this particular topic, but noted that he is attending the meeting and he is seeing this room full of people and he is reminded of the times that he has come before the Council, and mostly it is always serious to the citizens. He advised that anytime he and the other citizens attend the Council meeting, it is very important. Mr. Shuler noted that the times that are not critical to them, they trust the Town Council, and the Council does a tremendous job of deciding on matters that affect all of the town citizens in their absence

when they do not have a vested interest. He stated that each of the Council members with their conscience, experience, expertise, and farsightedness usually makes decisions that affect all of the town citizens in a positive manner. Mr. Shuler advised that when the citizens do attend a meeting, it is because deep down inside of everyone, something is extremely important at that particular moment. He noted that he does not have any specifics to add so far as the pros and cons, but he would state that he knows many of the people attending the meeting, and some he has been in first grade with, some he has taught, some that have taught him, some he remembers when they were not married, and some of them know him before he was in grade school. Mr. Shuler advised that he knows one person who had a bicycle and he did not have one for about five or six more years, but he used to run alongside his friend because they were buddies and they lived close to one another. He stated the very place that the Council is discussing, whether it be the vicinity of Sherwood Forest, the vicinity of Country Club Estates, or the vicinity of Petunia Road, he, at least, has a connection with because in 1965, when he graduated from high school and after he had worked all summer long and bought a 10 year old 1955 Chevrolet two door hardtop, his girlfriend and future wife lived on Petunia Road. Mr. Shuler noted that he did not know if anyone has ever had this happen, but he knows whenever he would come up the hill, their television would start messing up, and they knew he was coming because something in that 1955 Chevrolet caused their television to mess up. He advised that this was when Petunia Road was a dirt road, and that was when it was in Wythe County. Mr. Shuler advised that he also remembers making hay where the Country Club Estates are where the Cassell home place was located. He noted that for those of the Country Club Estates neighborhood who knew Carter and Kathleen Damren, who was one of his high school teachers, and he remembers theirs was the only house in the world that was new, and there were fields and fields there. Mr. Shuler stated he drove a John Deere tractor, an old Ford, and probably a Cub Farmall mowing hay where some of these residents live. He noted that he is only 57 years old, but he has seen this neighborhood go from grass, from broom sage to briars, and now the reason all of the citizens are attending this meeting is because it is their homes. Mr. Shuler advised that it is not the acres and acres, but a very small parcel that each person owns, and it is their home. He noted that their home is their castle, and their home is more vital to them than his home is. Mr. Shuler indicated that their home is more vital than their elected official's jobs are, and that is why the citizens are attending this meeting. He noted that he helped, as a college student that had five part-time jobs during Christmas break, build the water main that is between the divided highways of Route 11 from the golf course to Sherwood Forest. Mr. Shuler stated he has never lived in Country Club Estates, but he has a connection to the neighborhood. He noted he has seen these people's homes develop. He noted that he also knows the people who are trying to build other things there now. Mr. Shuler stated he thinks that the key is, and noted when he talks about something in a little while, unless some of them stay to hear what he has to state, they will not be attending the meeting to help his cause, but what he has to state will be the exact same kind of circumstance where there is a specific need that is extremely important. He noted that the citizens really need the help of those of the Council whom they have elected to serve them. Mr. Shuler advised that as he stated a number of years ago, the Council needs them on election day, but the citizens need the Council every single day. He noted that every decision that each of the Council members make affects the citizens some, but some of the decisions that the Council members make affect each citizen a lot. Mr. Shuler stated that one reason he wanted to speak on this topic is because, as he has stated, he counts himself lucky to know so many of the citizens. He noted he also counts himself lucky to know each of the Council members. Mr. Shuler advised that as he stated when he was at the Council's mercy and needed their assistance several years ago, tomorrow everyone will all still be here, but, at this meeting, everyone needs to be on the same team, and they need to work together and be a family. He indicated that he trusts that with all of the workings and comments that have gone in the past and the Council's very difficult pasts, that whatever decision is made at this meeting, and then the follow up decisions that are made together that everyone keeps remembering that they are one family and one team. Mr. Shuler stated that everyone sometimes has their disagreements, but when they get in the "game," they have to work together. Mayor Crewe thanked Mr. Shuler for his comments.

Mayor Crewe inquired if there are others who wish to address the Council regarding the subdivision issue. There being none, he thanked all of the citizens for taking the time to attend the meeting.

Mayor Crewe advised that the Town Council has this issue before them on the recommendation from the Planning Commission with the eight stipulations he read earlier. A motion was made by Councilman Weisiger and seconded by Councilman Crockett to accept the recommendation from the Planning Commission to approve 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 with the eight stipulations which include: (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. (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. (Each lot 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 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 advised that there is a motion on the floor to grant final approval of the subdivision with the eight stipulations that the Planning Commission placed in their recommendation. He inquired if there is any discussion on the motion. Councilman Crockett stated he would like to offer an amendment to the motion. Councilman Crockett stated he has heard a number of concerns about the various recommendations or regulations that the Town has in its regulations in the ordinance, one of which dealt with the width of the streets. A motion was made by Councilman Crockett to amend the main motion to require a 30-foot width for the street and adjust the six-foot geoblock, if necessary, to a wider width. He noted he did not know if requiring a wider street would require any adjustment to the geoblocks, but, possibly Mr. Pendleton knows. Councilman Crockett stated that the street could be wider and still be well within the 50-foot right of way that will be there. He reiterated that his motion would be that the Council require a 30-foot width street, and also, if necessary, extend the width of the geoblock on both sides of the street. Mayor Crewe indicated that he interprets that motion to be that the Council would basically amend the recommendation from the Planning Commission, particularly, Paragraph 2, by taking out the waiver of the street width language. Councilman Crockett stated that is correct. Mayor Crewe noted that if he is understanding correctly, the Council would delete the words "street widths" from Paragraph 2. He stated that, otherwise, they would still have to put in 30-foot streets. Mayor Crewe inquired if he is understanding Councilman Crockett correctly. Councilman Crockett advised that is correct. Mayor Crewe inquired if there is a second to the amendment. The motion was seconded by Councilman Jones. Mayor Crewe inquired if there is any discussion on the amendment to delete the words "street widths" from Paragraph 2, which means that the Council is requiring a 30-foot street still with low impact development. Councilman Jones advised that he would like to state that the Council has already approved 24-foot streets in certain areas, including the private development on Old Stage Road. He inquired if Mountain Shelter is still going to put in the geoblock on six feet on either side of the road. Town Manager Sutherland advised that is correct and noted that Mr. Mark Boenke, Mountain Shelter's engineer, is also attending the meeting. Councilman Jones inquired of Mr. Boenke if the geoblock on either side of the road will be six feet wide. Mr. Boenke stated that is correct. Councilman Jones pointed out that this would make a 36-foot wide road, which would allow six feet on either side for parking. He noted that it is pervious material, so it could be used. Councilman Jones remarked that basically, as Mr. Pendleton stated, they are willing to do whatever the Council feels is necessary. He noted that if a 30-foot road is what the Council thinks is necessary, he is willing to vote for it. Councilman Jones advised that he still thinks the 24-foot road with the six feet on each side would be a lot better than the 30-foot width road. Councilman Weisiger inquired if he understood that the geotech blocks would support traffic. Councilman Jones stated that is correct. Mayor Crewe noted that the geoblocks could be driven on or parked on, but it is not pavement. Councilman Crockett indicated that, obviously, he made the motion, but he thinks that several of the citizens expressed an interest that the Town should comply with its own ordinances. He noted that he feels that the street width of 30 feet does enhance the area, and advised that he thinks it is not necessarily for parking, but noted that he thinks it does add to the subdivision for the streets to be wider. Mayor Crewe indicated that one piece of information that he does not think has been stated at this meeting is the information the Council has received is that a 24-foot street is sufficient for a school bus, and a "T" hammerhead turnaround cul-de-sac also does not pose a problem for a school bus either, and this is one of the issues that had been raised. He noted that the other issue is that in all likelihood, the school bus will probably not go up in this subdivision, but it would stop on Route 11. Mayor Crewe reiterated that 24 feet is allowed by State law and is sufficient for a school

bus, according to the School Board and State law. He noted he did not think that this has been stated at this meeting. Mayor Crewe inquired if there is any other discussion on the amendment to the requirement of a 30-foot street. Councilman Weisiger advised that his interest in the low impact stormwater management is that being a member of the Public Works Committee, the most complaints they receive are regarding water runoff. He noted that if the low impact stormwater management would solve the runoff problem, it would solve a lot of problems in town. Councilman Weisiger stated that this is one reason he is in favor of the low impact stormwater management system. He noted that he would hate for the street width to be a hindrance to the low impact stormwater management system. Councilman Weisiger inquired if Mr. Kegley or Mr. Pendleton could address this. Mr. Pendleton advised that he will let Mountain Shelter's engineer, Mr. Boenke, address this. Mr. Benny Lynn noted that if a person takes the square footage of the combined development with roofs and 24-foot streets, this water is not going to go into the ground. It was stated that this excess water in the ground is saturated whether it be in a holding pond, a garden pond, or whatever name it is given, and this water is not going to penetrate the ground under the asphalt and under the roofs. It was noted that the water problem in this area is tremendous now running across to the Horseshow Grounds, and it was requested for the Council to please consider this. Mayor Crewe noted that the Council will now be glad to hear from Mr. Boenke regarding what a 30 foot street versus a 24 foot street would do to the low impact stormwater management, if he can comment. Mr. Mark Boenke advised that although he does not have the exact percentages, he can comment on going from 24 foot streets to 30 foot streets. He noted that this will add six more feet of impervious area, which increases the stormwater runoff, which has to increase the storage area for that or increase a permeable area where these bioretention areas can soak up the water. Councilman Crockett inquired if the streets could be widened and still be within the 50 foot right of way. Mr. Boenke advised that is correct. Councilman Crockett stated why he made the motion in the way in which he did is that he first considered the possibility of increasing it to eight feet, and then after he thought about it, he was not sure if this would not be restrictive as to what it could be. He noted that his motion actually dealt with whatever is necessary and still stay within the right of way. Councilman Crockett stated if he understands what Mr. Boenke has stated, he feels that there would be some increase in the runoff, but he is not in a position to state how wide those bioretention areas should be if the street is widened to 30 feet. Mr. Boenke explained that if the street is widened to 30 feet, it will increase the runoff, and there will have to be a bigger area to store the water, and it is not that it cannot be stored, and noted it can be stored, but it becomes a bigger area and volume to store. Mayor Crewe inquired if this also implies that a bigger area for a bioretention area is needed. He noted if they have to increase the size of the bioretention area, if this decreases the area of the lot left for building on. Mr. Boenke advised that is correct. Councilman Crockett noted that he does not think that is true. He stated that he thinks there is a 50 foot right of way through there now, and if the Council widens the requirement for the road, they would have up to 50 feet with 30 feet of pavement, and there would still be 20 feet, or 10 feet on each side, to work with as far as the geoblock retention. Mr. Boenke stated that is correct as well, but explained that it will be increasing the volume of runoff, so the storage has to be increased somewhere. Councilman Crockett noted that it would still be within the 50 foot right of way and not into the lot size and inquired of Assistant Town Manager Moore if that is correct. Mr. Boenke explained that the way the plans are drawn up, the runoff from the road is going down the northeast toward Route 11 where there are several tiered landscaped areas for the soaking of the water and the retention of the water. He noted that those areas would either go deeper in depth or go bigger in size if it went to a 30-foot street or if they increase the roof size and the building size, and this would increase as well. Councilman Crockett stated that since Councilman Weisiger just mentioned where the water goes, he wants to mention one thing on this. He noted he is a very strong advocate of curb and gutter and has been for a long time. Councilman Crockett stated that having stated this and having a little bit of engineering experience in his life of about 30 or 40 years, unless different things are tried, no one ever knows whether they will work or not. He noted that apparently, from what Mr. Boenke has stated, and also, a film strip the Council watched the other day, there are strong indications that this LID would be beneficial in these areas. Councilman Crockett stated that, certainly, from an engineering standpoint, he is willing to try this. He noted that this still does not keep him from favoring the curb and gutter, but the other side of the matter is he thinks this is a project that trying the LID would be to the Town's advantage. Councilman Crockett stated that if it proves to be successful in the subdivision, he sees no reason why the Town could not apply it to other areas in the town regardless of whether they have curb and gutter or other sections where they have had flooding. He noted that he thinks the low impact development could be something that could be used in other areas as well. Councilman Crockett advised that from this standpoint, and from an engineering standpoint, he is not as concerned about the LID and he thinks it is worth an approach on this. Mayor Crewe inquired if there are any other discussions on the amendment. Mr. George Farthing inquired if it is his understanding that the road width, with this stormwater management system, could never be widened in future years, and the curb and gutter and road could never be connected with paving. Mayor Crewe answered that he can address this question in two ways. He noted that the other Council members or Town staff can

comment, and the proposal that came to the Council at this meeting and the request for the 24 foot street would have geotech block on the outside of the six feet on the side. He explained that this would still allow the installation of curb and gutter at a future date, if necessary. Mayor Crewe stated that curb and gutter could be placed on top of the geotechnic block. He noted that if the street was 30-feet wide, with six feet of geotech block, it could still be done, but it is further out toward the 50 foot right of way. Mayor Crewe advised that he does not know all of this, and he could refer to the engineers, but his interpretation is that the curb and gutter can be installed, and that is what the staff recommendation from the Planning Commission was that the Town keep some control to ensure that if the low impact development turns out not to work, the matter can be corrected, which probably means installing curb and gutter. Mayor Crewe stated his issue with this that he does not want the audience to lose sight of is that if curb and gutter is installed, it does not solve a problem, but it moves a problem. He noted that once the curb and gutter is installed, then there has to be a detention pond, which is always what has been done in the past. Mayor Crewe noted the retention pond collects all of the water in one or several large places, and it is released at a controlled rate. He reiterated that this is what a retention pond does. He stated that installing curb and gutter could be done, but where the water is going to be channeled also has to match it because there has to be some place to catch the water for it to be released. Mayor Crewe noted that this is the issue he thinks that Councilman Crockett is reviewing and what Mr. Boenke was just addressing, which is that there are some areas down toward Route 11 where this water will be collected. He stated if all of a sudden curb and gutter is installed, those areas have got to change or it has to be done some other place or some other way. Mayor Crewe continued that the curb and gutter could be installed, but the water will be piped to a place that cannot hold it, and something would have to be done on that end as well. Mr. Farthing inquired if at any future time, the curb and gutter could be installed without changing things. Mayor Crewe answered that, again, he is not an engineer, and noted that possibly Mr. Boenke may want comment on this or Town Manager Sutherland or Assistant Town Manager Moore may desire to comment, but, if the curb and gutter is installed and the water is piped, the system, as designed, is not designed to handle that much more water, and something has to be done to adjust the other end of it, and inquired of Mr. Boenke if he is correct in his understanding and if he can assist him with this matter. Mr. Boenke noted that the curb and gutter can be added, and this will make the water get to the holding area faster. Mayor Crewe inquired if the curb and gutter has an affect to what happens at the holding area and inquired if the holding area will have to be reconfigured somehow. Mr. Boenke answered that is correct and it will have to be reconfigured to handle the quicker influx of water. Mayor Crewe stated there are two issues that the Council has discussed with one being the volume of the water, and the second is the velocity of the water. Mr. Boenke noted that is correct. Mayor Crewe remarked that if the curb and gutter is installed, it will increase both the velocity and the volume of water and inquired if that is correct. Mr. Boenke explained that it will increase the volume of water because it does not have a chance to run off into the grass, and go over land, but it will go to the gutter and then out to a drainpipe into a pond, a holding tank, etc. He stated that theoretically, the volume is not increased, but the water is not given a chance to soak into the ground, so there will be more volume, but, in essence, it is the same rainfall, and it will get to the holding area at a faster speed and in a faster time, so it will fill up faster. Mayor Crewe thanked Mr. Boenke for his explanation. He inquired if there is any other discussion, questions, or comments, on the amendment. Mayor Crewe advised Mr. Farthing that he hopes this answered his question. There being no further discussion on the amendment to delete the street width exception language from the recommendation of the Planning Commission, the motion was approved with the following voting results: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., Charles G. Crockett. Against: William B. Weisiger. Mayor Crewe stated that what the Council now has before them is the recommendation from the Planning Commission that the three waivers that the Council previously discussed are down to two, and noted that the street width exception is gone, and there would still be a 30-foot street, but there would be a waiver of the curb and gutter requirement and the waiver of the cul-de-sac requirement. Mayor Crewe inquired if there is any discussion on the amended motion. Councilman Crockett stated he would like to make a few comments, and he did not know if Mr. Kegley would also like to make comments. He advised that he addressed the compliance comments with his motion. Councilman Crockett stated as the Council reviewed this, there are a number of issues that come up, but they are not necessarily Town Council issues, but they are issues to Mr. Kegley and Mountain Shelter, and the need for homes and this type of thing, and if there is a main need or not, and it is not a consideration on this particular issue to Town Council. He noted that it may be a strong issue to Mr. Kegley, but it is not to the Town Council. Councilman Crockett stated that the Council does not necessarily need to be concerned or not concerned with the income levels and various other things of the applicants. He reiterated that this is not the issue before the Town Council. Councilman Crockett noted that the issue before the Council is if this subdivision request complies with the Town ordinances as they currently read and the R-1 Residential District regulations. He stated that there are a couple of questions and noted that Assistant Town Manager Moore and Town Manager Sutherland can comment if they desire. Councilman Crockett inquired if there is anything in this request that is before the Town Council

that FAHE and Mountain Shelter have not complied with. Town Manager Sutherland answered that the Council has addressed the three issues, but in terms of the remainder of the regulations of the ordinance, the lot sizes are within the criteria developed. He noted that R-1 Residential criteria is the same criteria regardless of where it is located. Town Manager Sutherland stated that the proposal meets the same standards for all other R-1 Residential properties. He explained that in terms of the configuration of lots, streets, etc., this seems to be acceptable as a planning instrument. Town Manager Sutherland advised that the Town staff reviewed this in terms of normal planning, and there is nothing to state that this development differentiated from any other subdivision. He noted that he thinks, other than the three issues that the Council is currently addressing, that there is not any difference at all. Town Manager Sutherland advised that he might note that since the regulation was put in the Zoning Ordinance requiring curb and gutter, there has yet to be a subdivision where curb and guttering has been required by the Council to be installed. He noted that this is not a precedent setting issue with this particular subdivision. He indicated that the Council has had previous requests for the narrowing of street widths. Town Manager Sutherland stated that the subdivision complies with the ordinances. Assistant Town Manager Moore advised that is correct with the one exception that commercial subdivisions have installed the curb and gutter, but the curb and gutter for all the residential subdivisions have been waived. He stated that he concurs with Town Manager Sutherland that to the best of his knowledge, the subdivision complies with the Town ordinances. Councilman Crockett stated he would like to address the same question to Town Attorney Kaase and inquired if there is anything in the Town's ordinance that he is aware of, not necessarily from a purely technical standpoint, but from a legal standpoint that would cause the Council any problems in the future. Town Attorney Kaase noted if he understood there to have been any violation of the Subdivision Ordinance, he would have addressed it. He stated that he does not know of any legal issue that is not already being met. Councilman Crockett thanked Town Attorney Kaase for his comments. Mayor Crewe inquired if anyone else has any comments or questions on the amended motion. Mr. Benny Lynn noted that most people who are building today in an R-1 Residential subdivision normally purchase two lots in order to construct a fairly nice home. Mayor Crewe explained that there is a square foot lot requirement and a house size requirement in an R-1 Residential District, but noted he does not recall at this moment what the square footage requirement is. Town Manager Sutherland noted that the lot size has to be 10,000 square feet, and the house has to be 1,400 square feet. Mayor Crewe reiterated that any R-1 Residential lot has a minimum 10,000 square foot lot and 1,400 square foot home. He inquired if there are any further comments or questions. Mr. Dennis Goff noted he has a question about the widening of the road to 30 feet, and indicated that he concurs that the road should definitely be 30 feet. He stated that where he lives at 575 Country Club Drive, it is not 30 feet, and it does cause some problems at times when the school bus comes up there, even if it does not stop, it is just driving, and if it is at the front of his house, they run through his yard. He indicated that he still understands it is the Town's right of way, but still it is rather small. Mr. Goff stated that he does agree with the 30-foot street, but his problem is due to the grade in this area, with the runoff of the water, how it can be controlled. He indicated that he knows there are going to be little holes in the ground where the water is supposedly going to saturate in and dissipate in the ground. He noted that his question is what is going to happen to the water that comes off of the pavement. Mayor Crewe advised that the answer to this is that in the proposal that the Town has, the water is piped down in the retention areas closer to Route 11 that Mr. Boenke just discussed. He noted that there are some terraced bioretention areas in the proposal that the Town received designed to handle this. Mr. Goff inquired as to if the experiment for the drainage and the bioretention areas, or whatever they are called, does not work, who is going to then pay for the curb and gutter. Mayor Crewe answered that this is what has to be enforced by the bonds and the deed restrictions and the easements that are in the eight stipulations from the Planning Commission. Mr. Goff inquired as to if it is six years after the fact. Mayor Crewe noted that if it is six years after the fact, he would assume that the Town will have to pay for it if they are going to fix it, but there are the deed restrictions and the easements, and the Town would be doing this on public property and not private property. He noted that, again, he is speaking on discussions that the Council has had during Committee meetings and advised that the Council can address any of this anytime they desire. Mr. Goff stated that it bothers him that the Town is trying an experiment in this development that they are not 100 percent sure it is going to work. He noted that the low impact stormwater management may or may not work, and then, five or six years later, it is just like a septic system, and sometimes another field line has to be added to the septic system because it quits perking. Mr. Goff noted that the same thing could happen at this location. He advised that it will then be the taxpayer's expense to come back and install the curb and gutter and noted he did not think that is fair. Mayor Crewe stated that this is a legitimate point. Mayor Crewe thanked Mr. Goff for his comments. Mayor Crewe inquired if there is any further discussion on the amended motion. There being none, he stated the amended motion would delete the language about the street width as an exception, but it would leave in the curb and gutter and cul-de-sac waivers of the current Town ordinance. The motion was approved with the following voting in favor and there

being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

Mayor Crewe stated that the Town will now need to work out the language, the deed restrictions, the easements, etc., and this is the final approval for the request of the subdivision, and it has been granted. Town Manager Sutherland advised that the plans will now need to be redesigned with the 30-foot streets. Mayor Crewe stated that is correct. He thanked the citizens for attending the meeting and invited them to remain for the remainder of the meeting. Mayor Crewe stated that the Council has a few more topics on the agenda, and the Council appreciates them attending the meeting, and they are welcome to stay for the remainder or leave the meeting, and noted this is the citizens' pleasure.

RE: OLD BUSINESS

Town Manager Sutherland reported the following items under Old Business:

1. The Town received notice last week that the Federal Emergency Management Agency had awarded the Town a grant in the amount of \$107,151 for use to purchase certain fire equipment. The Town also received notice last week of a grant from the Department of Criminal Justice Service of slightly over \$4,600 which can be used for the purchase of police gear, etc.
2. Wythe County is the recipient of two grants under the Homeland Security Grant Funds. The sum of one grant is \$118,000, and the sum of the other grant is \$102,000. Wythe County has commissioned a committee to review certain radio enhancements that would be advantageous to all three jurisdictions, the Town of Wytheville, Wythe County, and the Town of Rural Retreat. This would correct some problems there are with countywide radio service.
3. Mayor Crewe indicated this is Councilman Crockett's last official meeting since he did not run for reelection, and his term ends on June 30, 2004. He stated he knows he speaks for all of Council when he thanks Councilman Crockett for his service and hard work. Mayor Crewe indicated that as he and Councilman Crockett frequently state, all of the Council members do not always agree, but Councilman Crockett's intentions are always in the right place, and he has done everything he can for the best interest of the citizens of the Town of Wytheville. Councilman Crockett joked that he had agreed with Mayor Crewe a time or two recently. Mayor Crewe stated that the Council appreciates Councilman Crockett's service. He noted that on behalf of the Town Council, he would like to read a plaque that he would like to present to Councilman Crockett. Mayor Crewe remarked that this is why they also invited Mrs. Crockett to attend the meeting. He then read the plaque to those attending the meeting. Mayor Crewe stated that as Councilman Weisiger stated previously, the Council meetings are open to the public, and they hope that Councilman Crockett will attend the Council meetings and the Committee meetings. Mayor Crewe presented the plaque to Councilman Crockett and thanked him for his service on the Town Council. He noted that the Council is also appreciative of the support that Mrs. Crockett gave to Councilman Crockett. Councilman Crockett stated that it has been a pleasure working with each of the Council members. He noted that, obviously, the members have had some disagreements, and they may have a couple before the meeting is finished. Councilman Crockett reiterated that it has been a pleasure to work with all of the Council members as well as the employees. He noted he thinks all of the employees that he has come in contact with, and noted so far the police have not given him any tickets, but, he has appreciated the cooperation that all of the employees as well as Council have given him during the last eight years. Councilman Crockett advised that he wishes everyone well, and noted that he wants to wish Councilman-Elect Lambert well on the next four years. He stated that Councilman-Elect Lambert is going to have a few problems coming up, but all of the Council has had some problems along the way. Councilman Crockett advised that it has been a pleasure serving on Council, and he thinks the Council has accomplished a great deal in this time frame. He stated that awhile back, he was going through and analyzing what the Council has done, and remarked that he thinks this has probably been the most productive eight years in the history of the town because more things have happened, he thinks, than probably any other eight year period. He noted it was not because of him, but because things happened. Mayor Crewe stated that the Council did not get a chance to rest much. Councilman Crockett stated that is correct and advised that a lot of things have happened, and the Council has been extremely active in the community like the Industrial Park area, the Water Authority, to mention a couple, and several other things as well. He noted that the Council has had an extremely busy eight years, and remarked

that he appreciated all of the support that everyone has given him. Mayor Crewe reiterated that the Council appreciates all of Councilman Crockett's hard work.

RE: CITIZENS' PERIOD

Mayor Crewe recognized Mr. Coleman Shuler and noted that he wanted to address the Council on a different topic. Mayor Crewe remarked that he would remind Mr. Shuler of the rules, and the Council will limit his comment time to five minutes with his presentation. Mr. Shuler noted that if the Council can give him an affirmative vote on his three requests, it will probably only take two minutes. Mr. Shuler remarked that he is currently dealing with a matter on some Town officials and indicated that he needs to ask three requests of the Council. Mr. Shuler remarked that he would request the Council to drop all court action that has been taken against him, to provide all of the information and documentation that he has requested from the Town officials, and the third request is to waive any fees and costs pertaining thereto. Mayor Crewe stated he thinks that everyone on Council is aware of the legal action to which Mr. Shuler is referring. He noted that he wrote down Mr. Shuler's three requests, and the first request is that the Council drop all court action. He noted the second request from Mr. Shuler is that the Council provide all of the information that he has requested, and the third request is that this information be provided to him without fee. Mayor Crewe indicated that he thinks all of the information that Mr. Shuler has requested has been provided or made available to him, but noted there are some fees that are attached to it, and inquired if he is understanding that correctly. Mr. Shuler advised that is not correct and indicated that all of the information he has requested has not been provided to him. Mayor Crewe inquired as to what information Mr. Shuler is needing that is not being provided to him. Mr. Shuler remarked that he has several specific requests of Public Safety Director Albert Newberry who said he said would provide information to him that has not yet been forthcoming. He stated that some of the information that he was informed that although it related to his personal property, that he would still be charged for the information. Mr. Shuler noted that, of course, the people who are attending this meeting, he has had cordial cooperation and interaction with and advised that this includes Town Clerk Hackler and Town Treasurer Stephens. He noted that two people who have made things a little difficult for him have been Building Official Stan Massie, and the Master Code Official. He remarked that the Council may or may not be aware, and noted he is sure the Council is not aware of the whole entire situation. He reiterated that if the Council grants these requests, it will take two minutes to address the Council, but if they do not grant his requests, he has dozens of dozens of documentation that will take up another time. Mr. Shuler remarked that he was hoping to solve the problem as quickly, efficiently, and as effectively for the good of all the citizens and with the least cost and the least trouble and the most good to all people. He noted that things that are normally considered Building Code violations or property maintenance violations, and someone is cooperating, a court action is usually not something that the Town proceeds with when they have not provided all of the information that was asked by the cooperating party. Mayor Crewe advised that the Council has heard the three requests which includes that the Council drop any court action that is pending, provide all of the information requested, and that the information be provided without fees. He inquired if any of the Council members have any comments, motions, etc. Councilman Crockett inquired regarding the court action and if Mayor Crewe would refresh his memory. He also inquired if the Town dropped any court action if this alleviates him of any responsibility of Mr. Shuler later complying with the various ordinances or whatever the violation has been. Mayor Crewe indicated that this matter has been discussed in the Committee meetings, but his understanding is that the court action is basically for Building Code violations and property maintenance issues. He remarked that he would assume that all of this would come under Building Official Massie's department. Town Manager Sutherland advised that there are a number of parts to Mr. Shuler's matter. He explained that there are some property maintenance code issues, there are some junk car issues, and there is the continued violation of the trailer being on Ridge Road. Mayor Crewe remarked that most of these issues date back to 1999. Town Manager Sutherland advised that several of these issues are a number of years old. He explained that there is a violation of the Town Code for failure to provide water to his dwelling off of Fourth Street pursuant to the 1990 annexation action. Town Manager Sutherland explained that there are a number of facets to the issues of Mr. Shuler. Mayor Crewe advised that these matters are pending in General District Court on citations on the summons and inquired if that is correct. Town Manager Sutherland noted that is correct and the court date is August 4, 2004. Mayor Crewe inquired if this answers Councilman Crockett's questions about legal action pending or what legal action is pending. Councilman Crockett advised that this answers his question and inquired that if the Council was to waive the court action, and noted as he understands Mr. Shuler's question, what happens and noted that the violations are still there. He noted that this implies that the Town is not enforcing its own code. Mayor Crewe remarked that his answer to this is this is what happened in 1999 when some of these issues were dismissed and court action was not pursued, and noted the Council had some discussion about rectifying some of these matters and they did not get rectified and this is the reason that court action was pursued this time. Mr. Shuler stated that he believes the statement that Mayor

Crewe made was incorrect based on what he was told by Town officials. He explained that to be a little clearer in answering Councilman Crockett's question, Building Official Massie was requested to go to his property and find violations of which he enumerated ten. Mr. Shuler indicated that Mr. Massie provided an informal documentation of that on April 30. He stated that he immediately cooperated, and he stated he was willing to cooperate, but noted he could easily see that some of Mr. Massie's writings of the violations were incorrect and some were correct. Mr. Shuler noted that the point was that he asked Building Official Massie, and noted when there are ten violations and they are specified in all of the big codes, his point was to cooperate 100 percent. He stated that he asked Building Official Massie to put in writing what he would consider having complied with all ten of the violations. Mr. Shuler remarked that he considered this reasonable because if someone states there are ten things wrong, for example, at Councilman Jones' home with his property where he lives and pays taxes, the logical question would be for Councilman Jones to inquire when the ten violations are correct. He noted he hopes the Council will consider this fair. Mr. Shuler advised that Mr. Massie stated that he could not put this in writing. Mr. Shuler remarked that he told Mr. Massie if he can write up ten things wrong why he could not tell him when he has the ten things correct. He indicated that Mr. Massie advised that this is interpretive and gave him a bunch of "mumbo jumbo." Mr. Shuler noted that he then requested if Mr. Massie would give him the color pictures that he took so that he could at least look at exactly what Mr. Massie sees, and noted that the Council has stated that they have discussed this in Committee meetings, so someone has actually jumped ahead of this game, and if they discussed it in Committee meetings and they told him that he was cooperating fully, he will accept this. He continued that if the Council discussed this in Committee meetings and someone in the Committee meetings stated to proceed with court action, then someone told them something that is incorrect. Mayor Crewe remarked that Committee reports were that court action had been initiated. He stated that in 1999, Mr. Shuler had a mobile home on the lot that was not in compliance because it did not have utilities, did not meet the Building Code, and was not allowed. Mayor Crewe noted that this mobile home is still sitting there and it still does not meet the Building Code, is still not allowed, and it still does not have utilities and inquired if this is a correct statement. Mr. Shuler stated that is correct. Mayor Crewe noted that in 1999, Mr. Shuler told the Council that he was going to take care of this and correct the matter, and he did not do that. Mayor Crewe inquired if this is a correct statement. Mr. Shuler noted that in 1999, he found that a State Code supersedes the local Town ordinances and advised that he communicated that to the Town Manager and to the appropriate people, and if no action was taken since 1999, he is sure that the Council can understand that he thought the matter was taken care of. Town Manager Sutherland advised Mr. Shuler that they have had this discussion many times. He remarked that State law permits a mobile home in varying zoning districts provided that it is used as a home and it has utilities and is capable of being inhabited, and the State law does not provide for a mobile home to be located in that zoning district as a storage shed. Mr. Shuler remarked that it is not a storage shed, and it is parked on the property until such time as his estate is settled and whichever property ends up being his. He noted that any property, according to State law, that is 300 feet from the right of way, is A-1 Agricultural. Mr. Shuler remarked that if the Council will look on their zoning maps, the trailer is located on A-1 Agricultural property, and noted that he put it exactly where the Town asked him to put it, and they requested him to put it out of the way where it is inconspicuous. He noted that he later found out that the State Code, which he would assume that some of the Town officials should have known by being lawyers, town managers, etc. who make a lot more money than he, but the point of it is when he found out that State law allows what Town Manager Sutherland is stating that the trailer is not hooked up yet until he receives a portion of the estate deeded in his name, he cannot exactly do that because he does not know if it is east or west of where the trailer is sitting. He indicated that if the Council is aware, there are three things about the court action, and he was working on the violations to get which of the ten violations were accurate, and which of the ten were inaccurate. Mr. Shuler stated that when someone files court action before they provide him with the documentation he asked for, they did not intend to be fair with him anyway. Mayor Crewe remarked that he will address this point, and noted he is only speaking for himself and everyone else can speak for themselves, but the Town waited five years, and Mr. Shuler is not in compliance. He noted that Mr. Shuler is arguing with Mr. Massie as to what is and what is not allowed. Mayor Crewe pointed out that he is not a building code interpreter, and that is why the legal action was taken. He noted that Mr. Shuler can tell the judge, and he will decide what is or is not allowed by the Code. Mayor Crewe stated that the Town's position is that Mr. Shuler is not in compliance, and the Town is not in a position to give Mr. Shuler legal advice or construction advice to tell him how to correct the problem. He noted that the Town's advice is that this is not in compliance, and has been out of compliance for almost six years. Mayor Crewe stated that this is why the legal action was instituted, and the Town will let the judge decide what is permitted. Mr. Shuler inquired that if this is what the Town is claiming, why they have not corresponded on that one issue in the last six years. Mayor Crewe remarked that there has been correspondence in the last six years. Mr. Shuler stated that if the Town will provide that documentation, he would ask for this. Town Manager Sutherland interjected that he did not know if there has been any correspondence in the last six

years. Mayor Crewe indicated that he knows there have been conversations. Mr. Shuler requested the Council to understand that he knows more about his own situation than anyone else. He noted that he knows when he has been given misinformation and when the information is accurate. Town Manager Sutherland advised Mr. Shuler that it is rather clear what a junk car is, and the abatement of a junk car is the abatement of a junk car. He noted that it is rather clear what hooking up to a water system means. Town Manager Sutherland indicated that he did not know how much one needs to expand on the definitions of what those words are. Mr. Shuler stated that part of the reason he asked for the three requests is because the particular action that was taken is prejudicial, it is premature, and is punitive. He remarked that some of what Town Manager Sutherland is stating is factually accurate, but when facts are prejudicial against one person, premature legal action is taken, and punitive action is taken, then the Town is spending taxpayer dollars in a big way to solve a little problem that he has been willing to solve when he is communicated with. Mr. Shuler remarked that regarding the vehicles that Town Manager Sutherland speaks of, there is a certain thing called the grandfather clause that none of the Council members have mentioned that he has been talking about. He inquired as to when the annexation was and if it was 1990. Town Manager Sutherland advised that is correct. Mr. Shuler remarked that he was in Wythe County and he was annexed, so these things were there before 1990, the Council can look anywhere within the several different annexations over all of the years, and any and all of them have some bearing in grandfathering that no one has officially addressed. Mayor Crewe noted that this is why in his position, that he needs to tell this to the judge because the grandfather clause does not allow someone to violate State law. He stated that an inoperable automobile is a State law violation. Mayor Crewe remarked that this is not open to interpretation, and this is not a matter of definition, but it is a "black and white" regulation, and Mr. Shuler can tell it to the judge and let the judge decide. Mr. Shuler noted that he understands this. Mayor Crewe remarked that he does not think the Town Council can help him on this, and noted that this is his personal point. Mr. Shuler remarked that the Town Council can help him because when something is unfairly prejudicial, it is the Council's place. He stated when he asks an official how many people are in violation of some of these major items such as not being hooked up to water or having junked cars, and noted this is very common, the official stated that there are several dozens, and he mentioned in the vicinity of 50 violations. Mr. Shuler remarked that he asked the official how many court actions that the Town has taken, and the official stated that two court actions have been taken including the one for him and one other lady who lives on Lee Street. He noted that when the Town takes two actions, if Town Manager Sutherland, Director of Public Safety Newberry, or Building Official Massie is being fair, he would expect not to be made a test case. Mayor Crewe pointed out that this is why Mr. Shuler needs to tell it to the judge. Mr. Shuler remarked that if this is the Council's stand, anyone who trumps or touts the good things of Wytheville, the Town is going to look bad on this one. He stated that he may be found in technical violation, but noted that he has already agreed that some of those things are accurate. He pointed out when he tells someone to their face that he has been sick or has been hurt, he would have some of these things done anyway. He requested the Council to see that his life comes before the Town's ordinances, and his health comes before the Town's ordinances. Mr. Shuler noted that whether he keeps his home or not comes first, and it is a matter of priority. He stated that when someone states that the Town found the violation today, and he noted that he would cooperate, and then when he requests of the Public Safety Director as to the reason for this, he was told it was an anonymous complaint. Mr. Shuler remarked that he told the Public Safety Director that he would like this information. He stated that Councilman Crockett will not be on the Council any longer, but he has been the citizens' advocate. Mr. Shuler noted that he and Councilman Crockett have not always agreed, but when someone is treated unfairly, and this is a person who could not walk for six months, or that was a person that was behind six or eight house payments, and then someone comes in and noted it is not pretty enough at his property and the Town wants him to correct it, and he inquires as to what it will take, and the next thing the Town does is to go to court, there is something wrong with that process. Councilman Crockett noted that he believes that the Town had some correspondence that the Town Manager had the other day in the Committee meeting that the Town had with Mr. Shuler, and noted that Mr. Shuler may desire to comment on this. He remarked that it is his impression that Mr. Shuler had stated that as far as the mobile home, that he would comply with it, and the Council gave Mr. Shuler a period of time, and noted he did not recall what that time was, but the Council had given Mr. Shuler an additional time on his request. Councilman Crockett noted that he would guess he was on Council when they did this, and he was sure if it was in 1998, he was on the Council, but the Council had given Mr. Shuler some leeway at that time. He noted that Mr. Shuler had stated he would comply with this, and stated he thinks that this is one of the issues that has come up. Councilman Crockett remarked that he has another issue that is a legal question and noted that Mr. Shuler mentioned that there was an estate, and noted he did not know, and he is, certainly, not an attorney, how the violation would impact the estate. He noted that it is his impression that some estates are not settled for years and years, and inquired of Mayor Crewe if that is correct. Mayor Crewe noted that this is occasionally true. Councilman Crockett advised that he is kind of under the impression that a person does not leave a violation hanging for year after year after year while

he, Mr. Shuler, or whomever, is waiting for an estate to be cleared. He noted that possibly he missed something. Mayor Crewe noted that Councilman Crockett did not miss anything. Councilman Crockett indicated that he did not think that the Town could allow the violation to continue to happen. He stated that if he understands, what happens to the mobile home as far as ownership is concerned, he would assume is a legal issue that would be settled at some point wherever the mobile home ends up. Councilman Crockett noted that he thought the Council had given Mr. Shuler, and noted he is not trying to be short with Mr. Shuler, some leeway and complied with Mr. Shuler's requests in 1998. He pointed out that he cannot remember how much additional time the Council granted Mr. Shuler. Town Manager Sutherland noted that he thinks an additional 90 days were given to Mr. Shuler. Councilman Crockett stated that he knows the Council gave Mr. Shuler additional time on his request and did it to assist Mr. Shuler with his problems. He noted that he felt then at the time that the Council trying to help Mr. Shuler was, certainly, justifiable. Councilman Crockett explained that the other side of the matter is that he does not think, and noted other Council members can comment, the Council can continue to permit violations year after year after year. Councilman Crockett reiterated that possibly he missed something, but remarked that he did not think that the Council does this with other citizens, and noted he does not think the Town is making an exception with Mr. Shuler. He noted that he has expressed sympathy to Mr. Shuler for some of his problems, but indicated that as far as the mobile home part, he thinks that Mr. Shuler agreed to remove it, and it has never happened. Councilman Crockett inquired of Town Manager Sutherland if that is correct. Town Manager Sutherland stated that is correct. Mr. Shuler stated that first of all, when the Council gave him additional time and he stated he would try to comply, he was not aware of the State law at that time superseding the local ordinance. He noted that if the Council wishes, he can have the person from Richmond to come and testify before the Council. Vice-Mayor King inquired of Mayor Crewe if this is correct, and advised Mayor Crewe advised he will defer to Town Attorney Kaase but remarked that he disagrees with this statement. Town Attorney Kaase remarked that he did not realize that District Court action had been brought, but if Mr. Shuler wants to argue that legal point, he can argue in District Court and not during this meeting. Vice-Mayor King stated that this is what she was thinking and noted that normally, once a warrant or whatever has been served on Mr. Shuler, he needs to wait until he goes to court, and that is what Mayor Crewe has been stating. Mayor Crewe advised that Mr. Shuler has requested three things at this meeting and the first is that the Council drop all of the court action and try to work this out themselves. He noted that his response to this is that the Town tried this and it did not work. Mayor Crewe remarked that secondly, Mr. Shuler wants to be provided all of the information, and Mr. Shuler has stated that he has not received, specifically, information from Director of Public Safety Newberry and Building Official Massie, and, thirdly, Mr. Shuler would like to receive this information without fees and without a charge to him. He noted that if someone would like to make any motion, now would be the time for them do it. Town Attorney Kaase remarked that the Freedom of Information Act allows a reasonable charge. Councilman Weisiger advised that it is his opinion that the Council has given Mr. Shuler lots of information already. Mayor Crewe noted that is correct. Councilman Weisiger advised that if Mr. Shuler wants any further information, he will need to pay for it because it takes Town staff time to get the information. Mayor Crewe stated that this is the thrust of the matter. Mr. Shuler advised that if the Council wants to use this argument, he will bring the documentation the next time, and the Council will find that the Town staff has spent way more money refusing to provide him with the documentation that would cost a few dollars. A motion was made by Councilman Weisiger that the Council deny all three requests of Mr. Shuler. The motion was seconded by Vice-Mayor King. Mr. Shuler inquired if he is not allowed to respond to this. Mayor Crewe noted that Mr. Shuler cannot respond at this time. He explained that there is a motion on the floor to deny all three requests that Mr. Shuler made, and there is a second by Vice-Mayor King. Mayor Crewe inquired if there is any discussion on the motion. Councilman Jones stated that it seems to him that it is the same story that the Council has heard before from Mr. Shuler. He noted that every time Mr. Shuler comes before the Council, he knows he has had some health problems, and advised that he understands these, but at the same time, he thinks that Mr. Shuler has stated he would take care of the problems, but he has not done so. Councilman Jones stated that all of the Council members, including people in the audience, have problems, too, but in this particular case, his feeling is that if Mr. Shuler feels he is not being treated correctly, then the court will either rule in Mr. Shuler's favor or not in his favor. Mr. Shuler remarked that his point is that if the Council found something in violation those four, five, or six years ago, and he addressed with the Town Manager what he had found out from Richmond about the State law and he had never been communicated with again in four or five years, as a common sense, practical person, he has to assume that the Town of Wytheville realized that he was correct or else they would have taken court action four or five years ago. Mayor Crewe noted that the Council is aware, and has been aware, of all the State laws. He explained that there has not been any recent change in State law. He stated that the situation at this time is the same as it has been since 1998/1999, and there is no change in State law that gives Mr. Shuler some whole new argument. Mayor Crewe remarked that he knows that Mr. Shuler and the Council have a difference of opinion, and noted that is what courts are for. He advised that he knows Mr.

Shuler thinks he is being picked on, but he is not. Mr. Shuler advised that he was told that he was being made a test case. Vice-Mayor King inquired as to who told this to Mr. Shuler. Mayor Crewe noted that he did not know who told him that or what the circumstance is. Mr. Shuler interjected that he was told he was being made a test case by Building Official Massie. Mayor Crewe remarked that Mr. Shuler has tested everyone's patience as long as they can possibly bear, and the Council has given Mr. Shuler multiple chances to correct the problems, and he has not done any of those things, and he has not met the deadlines that the Town set at his request. He stated that frankly, he did not know how to help him, and he is not able to do anything more, and the only thing he can tell Mr. Shuler is to tell it to the court. Mr. Shuler noted that with all of the assets at the Council's disposal, he inquired as to why the Town has not corresponded with him for five years and the Town is claiming that the mobile home has been a violation for that long. Mayor Crewe advised Mr. Shuler that the Town did correspond with him. Mr. Shuler stated that the Town has not corresponded with him in five years. Mayor Crewe indicated that Mr. Shuler knew what he had to do, and he did not do it. He stated the fact that the Town did not sue Mr. Shuler four and one-half years ago should be to Mr. Shuler's benefit. Mayor Crewe noted that he does not understand why Mr. Shuler is stating that since the Town did not sue him in 1999, that the Town cannot sue him now. He reiterated that Mr. Shuler needs to tell this to a judge. Mr. Shuler noted that he is not stating that, but what he is stating is he communicated to Town Manager Sutherland that information and requested to have Town Attorney Kaase check it out. Vice-Mayor King noted that Mr. Shuler always comes before the Council and pleads hardship. Mayor Crewe stated the short answer is that the Council had some things that were slightly more important in the last six years that the Town had to deal with, and that did not mean that the Town forgot about Mr. Shuler's violation. Mr. Shuler inquired as to what harm his mobile home on his family property is causing. Mayor Crewe noted that it is giving other people reason to complain, and the Town is having to investigate it. Mr. Shuler inquired as to who is complaining. Mayor Crewe stated that he cannot tell Mr. Shuler who is complaining. Mr. Shuler remarked that he finds fault with that. Mayor Crewe advised Mr. Shuler that he needed to take this matter up with the judge, and noted that he does not know, and if he had the information, he would contemplate giving it to him. Mayor Crewe reiterated that he does not have the name of the complainant, and he is not privy to that information. Mr. Shuler stated that he was told the only person who complained about the trailer was Town Manager Sutherland. Town Manager Sutherland interjected that this information does not have to be divulged under the Freedom of Information Act and that was a false statement. Councilman Jones inquired if he can call for the question. Councilman Crockett advised that he would like to make a comment. He stated that he is a strong believer in the judicial system, and the judge, if Mr. Shuler goes to court, may well agree with him, and that is certainly the judge's prerogative. Councilman Crockett indicated that he thinks the court is the place, and he thinks Mayor Crewe has explained it quite well. He noted that the court is the place for Mr. Shuler to go now to take his case to the judge. Councilman Crockett advised that the judge may well agree with Mr. Shuler, and noted that he did not know what the judge's ruling will be. He noted that he thinks in this particular case, Mr. Shuler needs to explain all of those points to the judge that he has explained to the Council. Councilman Crockett advised that he may well agree with Mr. Shuler, and noted that he does not know, but it is the judge's prerogative. Mr. Shuler stated he would like to ask a question if anyone knows, and indicated that there were ten violations. Mayor Crewe indicated that the request that Mr. Shuler is asking is all covered by the Freedom of Information Act, which is a State law. He explained that the Freedom of Information Act states what can be disclosed, how it is to be disclosed, at what cost it can be disclosed, and what cannot be disclosed. Mayor Crewe remarked that this is dispositive of the three issues that Mr. Shuler has asked which is to drop all court action, to provide more information, and to do so without fees. He remarked that the identity of a complainant is expressly prohibited from disclosure from the Freedom of Information Act, and noted that Mr. Shuler can take this up with a judge. Mayor Crewe stated that Mr. Shuler is touting the State law, and that is the State law, and noted that this is the best that he can tell Mr. Shuler. Mr. Shuler inquired if in the charge part, if it states "may charge" or "must charge." Mayor Crewe answered that he does not know how it is worded. Mr. Shuler indicated that he believes he was told that it states "may charge." Town Manager Sutherland stated that is correct, but explained that there is an adopted policy by the Council that states they will charge. Mr. Shuler indicated that he was at the meeting where this Council chose to accept a \$300 cost to take action on behalf of the citizens. He noted that all he is asking is that the Council waive a much smaller amount, some of which are pictures of his own property, and some of which are other documents. He noted that even Mayor Crewe, who is an accomplished attorney, would understand that there is a double standard when it comes to someone who states he will initiate action. Mayor Crewe indicated that there is no double standard whatsoever, and the Town is treating Mr. Shuler the same they are trying to treat everyone else. He noted that he resents Mr. Shuler stating that the Council is trying to do a double standard. Mayor Crewe advised that the question has been called for, and he is cutting off all debate. The motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None. Mayor Crewe explained that there were no nay

votes, and there were all aye votes, and the motion carries. He noted the only remedy that he can offer Mr. Shuler is to take it up with the General District Court judge. Mr. Shuler advised that he will be back at the next meeting with pictures and with documentation. Mayor Crewe advised Mr. Shuler that if it is with the same issue, do not be surprised if he rules it out of order. Mr. Shuler noted that some of the Council are always willing to listen to facts, at least, and noted that at least two or three of the Council members are always willing to listen to the facts. Mayor Crewe stated that he understands this, but Mr. Shuler is using the wrong bailiwick, and he needs to be telling it to a judge and not the Town Council. Mr. Shuler remarked that if he brings the Council the documentation, they will find that some of the Town employees are out of order. Mayor Crewe remarked that if Mr. Shuler wants to allege that to the Town Council, he can put it in writing and deliver it. He noted if he wants to take this information to the judge, that is also acceptable. Mayor Crewe reiterated that he thinks this is not the proper forum to discuss this.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, reported that there are certain revisions to line items within the current budget for fiscal year 2003-2004 that need to be approved by the Council. She noted the vast majority of these revisions are the result of projects that were added during the year or projects where expenditures exceeded the Town's expectations. Vice-Mayor King advised that Town Treasurer Stephens has requested that the Council authorize him to make the necessary line item revisions within departmental budgets and then provide the Council with a detailed list of all of the areas where money has been transferred. She noted that the Committee thinks this is a workable solution on the General Fund side of the budget and does not result in an amendment to the total appropriations of this fund. Vice-Mayor King stated it would be the recommendation of the Budget and Finance Committee to authorize Town Treasurer Stephens to make the necessary line item revisions to the budget for fiscal year 2003-2004 and to subsequently provide the Council with a detailed report of the revisions. She noted that this action, of course, is separate from the public hearing held earlier in the meeting to amend the construction line item in the Water/Sewer Fund. Vice-Mayor King advised that there were a number of projects, particularly those associated with the extension of lines and improvements needed to serve the new Pepsi facility. She noted that action on these items will be taken later on the agenda. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Weisiger, reporting for the Public Works Committee, reported that recently, the Town has received two inquiries with regard to cellular phone towers. He noted that these inquiries illustrate the need for the Town to continue to make improvements to its existing regulations concerning cellular towers in order that the Town keeps pace with technology and current legislation. Councilman Weisiger advised that approximately one year ago, both Committees and the Planning Commission heard presentations from consultants who assist communities in the location of cellular towers. He stated that while this negotiation process took longer than the Town had anticipated, the Town has now executed a contract with the consultant to assist the Town in the preparation of a new ordinance regulating cellular towers and to assist the Town in the review of their siting. Councilman Weisiger noted that the cellular consultants the Town has retained will help the Committee prepare an ordinance for the Council that sets forth the review process the cellular tower company has to go through in order to site a tower. He explained that the expenses of all studies associated with the cellular tower location are borne by the cellular tower company. Councilman Weisiger stated that because it will take some time to draft and enact a new cellular tower ordinance, the consultants have suggested that the Council adopt an interim application process. He noted the consultants advise that this interim legislation is legal under the Telecommunications Act of 1996 and provides communities protection during the time in which they are preparing the new ordinance. Councilman Weisiger stated that this resolution is attached for the Council's review and it would be the recommendation of the Public Works Committee that the Council adopts this interim legislation and proceed with the preparation of the new cellular tower ordinance. A motion was made by Councilman Weisiger and seconded by Councilman Crockett for the Council to adopt the resolution adopting an interim application process for wireless telecommunications facilities in lieu of moratorium. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

Councilman Weisiger also reported that last week, the New River Regional Water Authority met and continued discussions on various aspects of developing a regional water system for Wythe County, Carroll County, and the Town of Wytheville. He stated that at the Council's last meeting, they adopted a Preliminary Service Agreement, and the other two governing bodies will be

considering the same service agreement at their meetings during June. Councilman Weisiger noted that the bylaws for the Authority provide that the municipality that is the largest consumer of water from the new facility would have three members while the remaining two jurisdictions would have two members on the Authority's Board. He stated that though the plant has not been designed or built, the Preliminary Service Agreement indicates that Wytheville would be the largest projected consumer of the production of the plant and, as such, during the upcoming year, Wytheville will be able to make three appointments to the Authority. Councilman Weisiger remarked that the Town's current members on the Authority are Town Manager Sutherland and Councilman Crockett. He advised that since Councilman Crockett will not be a member of Council in the upcoming fiscal year, someone will need to fill his unexpired term. Councilman Weisiger explained that under the bylaws, appointments to the Authority's Board must either be an elected official or an employee of the governing body. He stated that the Committee would suggest that the Council be giving some thought to this matter prior to the next meeting since the next meeting of the New River Regional Water Authority will be on July 15, at which time new members will be seated, and the Board will be reorganized. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: ORDINANCE NO. 1172

Mayor Crewe presented Ordinance No. 1172, the Budget Ordinance for Fiscal year 2004-05, on third and final reading. A motion was made by Vice-Mayor King and seconded by Councilman Jones to adopt Ordinance No. 1172, the Budget Ordinance for Fiscal Year 2004-05 which adopts an appropriate departmental budget on third and final reading. Mayor Crewe inquired if there is any discussion on the motion. Councilman Crockett stated that he has expressed his opinion on the Bag It & Tag It System so many times that it is similar to a stuck record. A motion was made by Councilman Crockett to eliminate the Bag It & Tag It System effective January 1, 2005, and this would give the Council time to make any necessary adjustments. The motion died for lack of a second. Councilman Weisiger noted that Vice-Mayor King had requested some information in regard to the Bag It & Tag It System. Town Manager Sutherland advised that he does have this information, but he did not bring it to the meeting. Councilman Weisiger advised Councilman Crockett that he promises the Council will review this matter and the report they will receive from Town staff. Mayor Crewe inquired if there is any further discussion on the motion. Councilman Jones noted that he understands Councilman Crockett's concern, and advised that he has stated previously that he would welcome the Town appointing another citizens' committee to review the Bag It & Tag It System so they could review if the Bag It & Tag System was deleted and what the additional costs would be and if this would be beneficial or not. Councilman Jones stated that he purchases a \$50 tag, and noted that he talks to various people, and he understands that some of the citizens do not like it, but they admit that it does take time, and, of course, with the gasoline prices increasing, it costs a lot more to drive to the County Convenience Center. Mayor Crewe remarked that the Town citizens do not have to pay for garbage pick up, and they can take their garbage to the County Convenience Center and a person does not have to purchase the tags. Councilman Jones indicated that he will admit, and so will Councilman Crockett, that citizens taking their garbage to the County Convenience Center is beneficial to the Town. Councilman Crockett noted that one of the members of his family, but not him, made a trip to the County Convenience Center today. Mayor Crewe inquired if there is any further discussion. There being none, the motion was approved with the following voting results:

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

AGAINST: Charles G. Crockett

ABSTENTIONS: None

Ordinance No. 1172 was approved on third and 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 second and final reading. He noted that this ordinance includes the rate increase in the cigarette tax and the E-911 phone tax that would be effective on July 1, 2004, that is in the figures that the Council just approved in the budget. A motion was made by Vice-Mayor King and seconded by Councilman Jones 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 second and final reading. Mayor Crewe inquired if there is any discussion on the motion. Councilman Crockett stated it would only seem appropriate that since he voted against the Budget Ordinance that he will also vote against this ordinance. The motion was approved with the following voting results:

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

AGAINST: Charles G. Crockett

ABSTENTIONS: None

Ordinance No. 1173 was approved on second and final reading. Mayor Crewe noted that this ordinance will become effective July 1, 2004.

RE: APPOINTMENT – DISTRICT THREE GOVERNMENTAL COOPERATIVE

Mayor Crewe stated the next agenda item is the appointment or reappointment of a member of Council to serve on the District Three Governmental Cooperative to fill the expiring term of Councilman Weisiger whose term expires June 30, 2004. He noted that Councilman Weisiger is the member on the District Three Governmental Cooperative and Councilman Crockett is the alternate member. Mayor Crewe noted that their terms expire June 30, 2004. A motion was made by Councilman Jones to reappoint Councilman Weisiger and that Councilman-elect Judson Lambert be appointed as the alternate member to the District Three Governmental Cooperative. Mayor Crewe inquired if Councilman-elect Lambert would be willing to serve as the alternate member. Councilman-elect Lambert noted that he would serve as the alternate member. The motion was seconded by Vice-Mayor King. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

RE: APPOINTMENT – WYTHEVILLE PLANNING COMMISSION

Mayor Crewe stated the next agenda item is the appointment of a member to the Wytheville Planning Commission to fill the unexpired term of Councilman-elect Lambert whose term expires April 26, 2007. A motion was made by Vice-Mayor King and seconded by Councilman Jones to appoint Mr. Kenny W. Ervin to the Wytheville Planning Commission to fill the unexpired term of Councilman-elect Lambert. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

RE: APPOINTMENT – BOARD OF ZONING APPEALS

Mayor Crewe stated the next agenda item is the recommendation to the Circuit Court for the appointment of a Planning Commission member to the Board of Zoning Appeals to fill the unexpired term of Councilman-elect Lambert whose term expires September 10, 2004. A motion was made by Vice-Mayor King and seconded by Councilman Jones to make a recommendation to the Circuit Court to appoint Mr. David T. Bush to the Board of Zoning Appeals to fill the unexpired term of Councilman-elect Lambert. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

RE: AMENDMENT TO BUDGET FOR WATER CONSTRUCTION DEPARTMENT

Mayor Crewe stated the next agenda item is to amend the line item in the budget for fiscal year 2003-04 for the water construction department. He noted that the Council has the two numbers in Town Treasurer Stephens' memo, and there is \$455,000 that needs to be appropriated to the water construction department and a loan from the General Revenue line item. Mayor Crewe remarked that secondly, it will be necessary to authorize an additional loan from the General Fund to the Water/Sewer Fund in the amount of \$245,000 to cover the expenditures by the Water/Sewer Fund that were paid by the General Fund. A motion was made by Vice-Mayor King and seconded by Councilman Jones that the Council approve appropriating \$455,000 to the water construction department and a loan from the General Fund and also to approve an additional loan of \$245,000 from the General Fund to the Water/Sewer Fund. Mayor Crewe inquired if there is any discussion on the motion. Councilman Crockett stated if he understands correctly, the Council proposes to borrow over \$1 million from the General Fund to the

Water/Sewer Fund this year. Mayor Crewe stated that is correct. Councilman Crockett inquired if this will be an additional \$700,000 and inquired if that is correct. Mayor Crewe stated that is correct. Councilman Weisiger advised that it would be an additional \$245,000. Mayor Crewe explained that the \$455,000 is transferred from the loan, and this is a new number and inquired if that is correct. Town Treasurer Stephens noted that is correct. Mayor Crewe remarked that the \$245,000 in addition to the \$455,000 is the number that is also a new number. He noted that it is \$700,000. Councilman Crockett stated that this year, assuming that things go as planned, and noted that it is currently running through May 2004 with a deficit of \$1,292,000, and this means that the Council is authorized to borrow up to another \$700,000, and basically it will be a \$1.7 million deficit this year. Mayor Crewe advised that this is an accurate statement. Councilman Crockett noted that this is a staggering figure, but noted he did not know much else to do. He stated that he has expressed feelings about this, and indicated that he thinks that the Council needs to review the water/sewer department. Councilman Crockett stated that the Council needs to thoroughly review how the Town functions. Mayor Crewe inquired if there is any other discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

RE: BUDGET LINE ITEM REVISIONS

Mayor Crewe advised that it will be necessary for the Council to authorize Town Treasurer Stephens to make the necessary line item revisions to the budget for fiscal year 2003-04 and to subsequently provide the Council with a detailed report of the revisions as recommended by the Budget and Finance Committee. A motion was made by Vice-Mayor King and seconded by Councilman Jones to authorize Town Treasurer Stephens to make the necessary line item revisions to the budget for fiscal year 2003-04 and to subsequently provide the Council with a detailed report of the revisions. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

RE: COMMUNITY CENTER OPERATING COSTS

Councilman Crockett stated that the Council received a report a few weeks ago about the community center operating costs. He noted that since the Town is going to have one new member of Council coming up rapidly, this report that Assistant Town Manager Moore prepared stated that the Town would have a deficit of about \$662,500 per year on the operating costs of the community center. Councilman Crockett stated that, also, if he understands, it includes user fees raised, etc. He noted that this is going to be a big challenge to the next Council as far as to how this is handled. Councilman Crockett advised that even if the Council pulls money out of reserves, since the Council has been pulling money out of reserves and lending it to the Water/Sewer Fund, it gets down to the fact that there is not going to be a lot of money left in reserves to lend to the Water/Sewer Fund at the rate the Town is going. He remarked that with the anticipated shortage, he thinks the citizens have to be aware of the fact that for the community center to operate, there are going to have to be some tax increases somewhere or something is going to have to be cut. Councilman Crockett noted that he is unsure where all of this comes together, but it seems to him that it is a critical problem coming up that the next Council is going to have to face. He stated that, again, he has enjoyed serving immensely with all of the Council members. Mayor Crewe noted that the Council appreciates all of Councilman Crockett's hard work and his efforts, and the Council will miss him. He remarked that Mr. Gordon has left the meeting, but he would like for the Council to pass on his thanks to WYVE/WXBX as well as the *Wytheville Enterprise* for the coverage they have given to the Council and continue to give to the Council in making the citizens aware both on the radio and newspaper as well. Councilman Crockett indicated that he is very thankful for the service that the radio station and the newspaper give to the community. He noted that he thinks the media is to be commended for their efforts.

RE: BUDGET AND FINANCE COMMITTEE MEETING

Mayor Crewe stated that he has received a request from the Budget and Finance Committee to cancel their meeting of Thursday, July 1, 2004. It was the consensus of the Budget and Finance Committee to cancel their meeting of Thursday, July 1, 2004.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting. Mayor Crewe indicated that the Council members wish Councilman Crockett well. (9:00 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, CMC, Clerk of Council

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BUDGET AND FINANCE COMMITTEE REPORT

JUNE 28, 2004

1. There are certain revisions to line items within the current budget for fiscal year 2003-2004 that need to be approved by the Council. The vast majority of these revisions are the result of projects that were added during the year or projects where expenditures exceeded our expectations. Town Treasurer Stephens has requested that the Council authorize him to make the necessary line item revisions within departmental budgets and then provide the Council with a detailed list of all the areas where money has been transferred. We think this is a workable solution on the General Fund side of the budget and does not result in an amendment to the total appropriations of this fund. It would be the recommendation of the Budget and Finance Committee to authorize Town Treasurer Stephens to make the necessary line item revisions to the budget for fiscal year 2003-2004 and to subsequently provide the Council with a detailed report of the revisions. This action, of course, is separate from the public hearing held earlier this evening to amend the construction line item in the Water/Sewer Fund. There were a number of projects, particularly those associated with the extension of lines and improvements needed to serve the new Pepsi facility. Action on these items will be taken later on the agenda.

Jacqueline K. King

John W. Jones, Jr.

PUBLIC WORKS COMMITTEE REPORT

JUNE 28, 2004

1. Recently, we have received two inquiries with regard to cellular phone towers. These inquiries illustrate the need for us to continue to make improvements to our existing regulations concerning cellular towers in order that we keep pace with technology and current legislation. Approximately one year ago, both Committees and the Planning Commission heard presentations from consultants who assist communities in the location of cellular towers. While this negotiation process took longer than we had anticipated, we have now executed a contract with the consultant to assist us in the preparation of a new ordinance regulating cellular towers and to assist us in the review of their siting. The cellular consultants we have retained will help us prepare an ordinance for the Council that sets forth the review process the cellular tower company has to go through in order to site a tower. Expenses of all studies associated with the cellular tower location are borne by the cellular tower company. Because it will take some time to draft and enact a new cellular tower ordinance, the consultants have suggested that the Council adopt an interim application process. The consultants advise that this interim legislation is legal under the Telecommunications Act of 1996 and provides communities protection during the time in which they are preparing the new ordinance. This resolution is attached for your review and it would be the recommendation of the Public Works Committee that the Council adopt this interim legislation and proceed with the preparation of the new cellular tower ordinance.
2. Last week, the New River Regional Water Authority met and continued discussions on various aspects of developing a regional water system for Wythe County, Carroll County,

and the Town of Wytheville. At our last meeting, we adopted a Preliminary Service Agreement and the other two governing bodies will be considering the same service agreement at their meetings during June. The bylaws for the Authority provide that the municipality that is the largest consumer of water from the new facility would have three members while the remaining two jurisdictions would have two members on the Authority's Board. Though the plant has not been designed or built, the Preliminary Service Agreement indicates that Wytheville would be the largest projected consumer of the production of the plant and, as such, during the upcoming year, Wytheville will be able to make three appointments to the Authority. The Town's current members on the Authority are Town Manager Sutherland and Councilman Crockett. Since Councilman Crockett will not be a member of Council in the upcoming fiscal year, someone will need to fill his unexpired term. Under the bylaws, appointments to the Authority's Board must either be an elected official or an employee of the governing body. We would suggest that Council be giving some thought to this matter prior to the next meeting since the next meeting of the New River Regional Water Authority will be on July 15, at which time new members will be seated, and the Board will be reorganized.

William B. Weisiger

Charles G. Crockett