

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JANUARY 10, 2005, AT 7:00 P.M.**

Members present: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert

Members absent: None

Others present: Town Manager C. Wayne Sutherland, Jr., Town Clerk Sharon P. Hackler, Assistant Town Manager Stephen A. Moore, Town Attorney Robert P. Kaase, Patrol Officer Chris Irvin, Stephanie Porter-Nichols with Wytheville Enterprise, Danny Gordon with WYVE/WXBX, Janet Byrd, George Parks, Becky Grubb, Pat Snapp, Agnes Eades, Francesca Lunsford

RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE

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

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of December 13, 2004; the request of the Wytheville Women's Club for waiver of fee for use of the Community Center on November 18-20, 2005, for their annual craft show; the request of the Pioneer Baptist Church for a special exception facility use permit for January 21, 2005; the request of the Virginia Cooperative Extension Wythe Bland-Region Master Gardener Association for issuance of a raffle permit for 2005; the request of the Wythe County Technology Center for issuance of a raffle permit for 2005; and, the request of George Wythe High School for issuance of a raffle permit for 2005. 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 December 13, 2004; the request of the Wytheville Women's Club for waiver of fee for use of the Community Center on November 18-20, 2005, for their annual craft show; the request of the Pioneer Baptist Church for a special exception facility use permit for January 21, 2005; the request of the Virginia Cooperative Extension Wythe Bland-Region Master Gardener Association for issuance of a raffle permit for 2005; the request of the Wythe County Technology Center for issuance of a raffle permit for 2005; and, the request of George Wythe High School for issuance of a raffle permit for 2005. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period. He noted that the Council is glad to have several people in attendance at the meeting. Mayor Crewe stated that a couple of issues that need to be discussed with Mr. George Parks are, apparently, going to be addressed, and the Council can take care of his concerns without Mr. Parks' formal comments. He inquired if there are persons present who wish to address the Council during Citizens' Period. Mayor Crewe explained that the Council always has a time on their agenda for citizens to address them, and he is glad the citizens are attending the meeting. There being no one to address the Council, Mayor Crewe proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. On Wednesday of this week, Town staff will be meeting with Mr. Todd Christensen, Director of the Community Development Block Grant Program, and the nature of this meeting is to, hopefully, finalize obtaining the grant funds for the child care facility that will be situated in the new Community Center. One component of this grant application is the development of an Advisory Board that will help formulate policies under which the child care facility will operate. The Council has previously appointed a number of persons to the Wytheville Community Center Child Care Advisory Board, but Mr. Christensen would like some additional people representing some other segments of the business community appointed, particularly, the tourism related businesses and some industry and retail people. The Town has a list of names of people who are willing to

serve, and Town Manager Sutherland presented the names to the Council. An industrial candidate is Mr. Rodney Coleman or his designee with the Pepsi Bottling Group. Mr. Coleman was unsure as to who may actually be serving on the Advisory Board from the Pepsi facility. Mr. Dickie Arrington at the Wal-Mart Supercenter is also willing to serve. From the Community College, the candidates are Dr. Maureen Murphy and Mrs. Linda Nye. Representing the tourism industry would be Mr. Nick Patel with Comfort Inn, Ms. Kathy Brooks with Days Inn, and Mr. Ken Patel with Sleep Inn. If the Council is willing to do so, Town staff would request that Council appoint these individuals to serve on the Child Care Advisory Board. Councilman Jones inquired if these individuals would be in addition to the other members serving on the Board. Town Manager Sutherland stated that is correct. Councilman Weisiger noted that this is a large committee. Mayor Crewe stated that is correct. Town Manager Sutherland remarked that this is what Mr. Christensen wants to do, but this facility is two years from being operational. Vice-Mayor King inquired if this makes approximately 25 people serving on this Board. Assistant Town Manager Moore stated that there are nearly 25 members serving on this Board, including these new appointments. Mayor Crewe noted that Mr. Christensen will have to decide if this is a workable number of individuals to serve on this Board. Town Manager Sutherland advised that Mr. Christensen wants this Committee to start meeting and start discussing policy matters. Mayor Crewe inquired if all of these individuals are willing to serve on this Board. Town Manager Sutherland stated that is correct. A motion was made by Vice-Mayor King and seconded by Councilman Jones to appoint Rodney Coleman or his designee, Dickie Arrington, Maureen Murphy, Linda Nye, Ken Patel, Nick Patel, and Kathy Brooks to the Wytheville Community Center Child Care Advisory Board. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None. Mayor Crewe noted that these individuals have been appointed to this Board, and the Council appreciates their willingness to serve.

2. As the Council knows, some time ago the Community Center project was bid, and the Town does, in fact, have a successful low bidder, which is BurWil Construction Company. The provisions of the bid documents provide that the Town would have a contract executed with them on or before January 18, 2005. If the Town has not executed a contract with BurWil Construction Company by this time, several things can happen. BurWil Construction Company could actually withdraw their bid or they could start passing price increases to the Town that are being passed to them from their subcontractors. One of the things the Town has been waiting on, and, fortunately, it does seem it is going to work out before going to closing on these bonds, is the release from the Pennsylvania family with regard to the land at the Community College. Town Attorney Kaase advised today that he has spoken with the lawyers in Philadelphia, and they have contacted the family, and the family is apparently willing to sign, and it is now just a matter of gathering everyone and actually signing the document. Simultaneously, the Town has also requested Rural Development for a waiver of a deed restriction, and noted that the Town is not sure it is a deed restriction worth mentioning, so the Town asked Rural Development to waive any reference to the deed restriction. The Atlanta Office of General Council for Rural Development has not responded to this. Since then, Rural Development has stated they would, and Town Manager Sutherland noted that this is somewhat contrary to normal procedure, find it acceptable if the Town proceeded and executed the contracts with the contractor. This is a reverse procedure, and, normally, the Town would receive the money and then the contracts would be signed. The only outstanding issue left is this one release from the family in Philadelphia, and the Town thinks that is forthcoming. As a matter of fact, the Town is not sure that Rural Development will require it when everything is finished including getting the release from the Philadelphia family. The question is if the Town can be authorized to execute the contracts with BurWil Construction Company not actually having the funds in hand. The probability of not closing with Rural Development is very remote. Everything is in place, and it is just a matter of getting it done. If everything fell apart, and something happened to the Rural Development funding, the Town could be in the Virginia Municipal League pool in the spring. Councilman Weisiger advised that the Council may have to make up the difference. Town Manager Sutherland noted that there may be out-of-pocket expenses. He explained that he did not think there is a big risk, but Rural Development did want the Council to be aware that the Town could execute the contracts. There is some period of time between now, when the Town executes the contracts, and the loan closing where the funding is not really there yet. Councilman Weisiger inquired if executing the contracts required Council action. Town Manager Sutherland stated that is correct. Mayor Crewe remarked that the Town has to authorize someone to sign the

contracts, and it would either be Town Manager Sutherland or himself. Town Manager Sutherland stated that is correct. He advised that if the Council is going to approve this that they may want to authorize either the Mayor or himself because there may be some documents the Mayor needs to sign and probably some documents he needs to sign. Mayor Crewe explained that if the Town does not sign the contract, there is a sure bet that the price will increase. Town Manager Sutherland stated that is correct, and the Town knows confidently that it is going to be a one to three percent increase immediately. Vice-Mayor King inquired if the Council needs another motion. Mayor Crewe stated the other thing the Council had discussed is that the Town is still not locked into the funding from Rural Development, and the Council had discussed funding from other mechanisms or other amounts so until all of that comes back from Rural Development, the Town is not locked in on this anyway. Town Manager Sutherland indicated that it would be a logistics nightmare to go somewhere else, but if it was necessary, the Town could do this. Mayor Crewe noted that if Rural Development somehow does not approve the loan and the money is not available, the Town will have to go somewhere else. Town Manager Sutherland stated that is correct. Vice-Mayor King indicated that surely, if Rural Development was not going to approve the loan, they would have told the Town by now and inquired if that is correct. Town Manager Sutherland noted that Rural Development has a checklist. Mayor Crewe stated that the Town is muddling through Rural Development's checklist. A motion was made by Councilman Lambert to authorize Mayor Crewe and Town Manager Sutherland to execute the contract with BurWil Construction Company. 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, H. Judson Lambert. Against: None. Mayor Crewe advised that upon receipt of the documents, he and Town Manager Sutherland will execute the documents and inform the Council and let them see the copies of the documents.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, stated that in February of 2004, the Council took action to approve the waiver of water and sewer connection fees for the proposed Cassell Pines Planned Unit Development. He noted that the Council also agreed to waive building permit fees associated with the project. Councilman Jones advised that at that point in time, the total value of these waived fees was \$25,000. He explained that recently, the Council approved increases in the connection charges for water and sewer, and the Town has now received a letter from the Wytheville Redevelopment and Housing Authority inquiring if this change in the Town's fee structure negatively impacted their project plans. Councilman Jones stated that it is the position of the Budget and Finance Committee that the Council committed to waiving these fees, and the recent revisions to the Town's fee structure do not, in any way, change the Town's commitment to assist the Housing Authority with the creation of new housing units. He advised that unless the Council directs otherwise, the Town will contact the Wytheville Redevelopment and Housing Authority and advise them that the agreement to waive fees is still binding. Mayor Crewe remarked that his understanding of the Public Works Committee's discussion when they met last is that this waiver is still acceptable with them. He noted that unless someone voices opposition at this meeting, the Council is going to waive the higher fees when they agreed to waive the lower fees.

Councilman Jones also reported that over the past several months, the Committee has reviewed opportunities to utilize the currently favorable market conditions to refinance three older Rural Development sewer bonds into a program that will result in reduced interest payments. The Committee had discussed these opportunities with the Virginia Resources Authority, Virginia Municipal League Bond Pool, and with a finance company known as Ferris, Baker Watts. Councilman Jones advised that of the three proposals that the Town has reviewed, it appears that the proposal by Ferris, Baker Watts, Incorporated would be the most favorable to the Town. He stated that Ferris, Baker Watts has developed a program that will convert these three series of bonds into a 20-year structure that will result in cumulative savings to the Town of approximately \$1,961,000, or net present value savings of approximately 16.39 percent. Councilman Jones stated that the other advantage of this program is it would shorten the life of our debt by 11 years, changing the payoff date from 2035 to 2024. He noted that the fee required by Ferris, Baker Watts for these services is \$15,000. Councilman Jones indicated that Ferris, Baker Watts would solicit bids from banks to get the lowest possible interest rate for the Town. He advised, however, that they have noted that if the Town is not happy with the bids that come in, the Town could merely reject them and no fee would be due to Ferris, Baker Watts. Councilman Jones remarked that the Budget and Finance Committee thinks it is well worthwhile to proceed with refinancing these outstanding bonds. He noted that as such, it

would be the recommendation of the Budget and Finance Committee that the Mayor or the Town Manager, as the case may be, be authorized to execute the agreement with Ferris, Baker Watts and to retain bond counsel to prepare the necessary documents. Councilman Jones stated the Committee believes that it is important to proceed with this refinancing as soon as practicable to assure that the Town gets the lowest interest rates possible before interest rates change upwardly. A motion was made by Councilman Jones and seconded by Vice-Mayor King to authorize Mayor Crewe or Town Manager Sutherland to execute the agreement with Ferris, Baker Watts and to retain bond counsel to prepare the necessary documents. Mayor Crewe inquired if there is any discussion on the motion. Councilman Weisiger inquired if \$15,000 will be the only fee the Town will have to pay and inquired if the Town will have to pay fees to prepare the necessary documents, etc. Town Manager Sutherland answered that the Town will have bond counsel fees and he would expect that they would be in the \$3,500 range. Mayor Crewe noted that the Town would not pay the fee if they do not accept the bids, and the Town may not have bond counsel fees because they would not be issuing the bonds unless the Town accepts the bids. He inquired if there is any question about Procurement Act compliance with this procedure. Town Manager Sutherland stated he did not think there is any question regarding the Procurement Act because \$15,000 is well below the thresholds. Mayor Crewe inquired if there is any further discussion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None. 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 the Town's Building Official, Stan Massie, has advised that the Town's Code regulating the erection of tents is outdated and needs to be amended. He noted that these regulations are applicable to religious congregations or other organizations desiring to use a tent or similar structure for religious or other services or meetings. Councilman Weisiger stated these regulations are also applicable to the use of tents for retail activities and other public activities where fire or other hazards could result in danger to the participants within the tent. He advised that currently, regulations regulating the use of tents are set forth in the BOCA National Building Code/1990. He explained that the new regulations, as adopted by the Commonwealth of Virginia, are provided under the International Building Code (IBC). Councilman Weisiger noted that Mr. Massie also advises that plumbing regulations in Virginia have changed in a similar fashion. He remarked that the old code was BOCA Basic/National Plumbing Code/1990, and now the new regulations are established in the International Plumbing Code (IPC). Councilman Weisiger stated that later in the meeting, the Council will consider an ordinance enacting these revisions. He advised that it would be the recommendation of the Public Works Committee that the rules be suspended and that the ordinance be adopted on first and final reading. Mayor Crewe noted that the Council will consider this ordinance momentarily.

Councilman Weisiger also reported that for over a year, the Town has been in negotiations with Mr. Don Hill for the acquisition of a section of right-of-way that extends from Peppers Ferry Road southeasterly to the boundary of the site of the new Community Center. He advised that it has long been planned that the Virginia Department of Transportation would construct a new roadway in a corridor that begins at Peppers Ferry Road and extends all the way to Lithia Road near Exit 73. Councilman Weisiger noted that unfortunately, this roadway project and other roadway projects throughout the State have been delayed because of the financial difficulties of the State. He stated that because this section of roadway is such an important component to the Town's new Community Center project, the Town independently began negotiations with Mr. Hill for the acquisition of this property. Councilman Weisiger advised that the right-of-way that is required for the construction of the roadway consists of approximately 1.8 acres not including the slope easements required for the roadway construction. He remarked that Mr. Hill has now agreed to sell this section of right-of-way for \$49,500. Councilman Weisiger stated that the value of the acreage that the Town is obtaining is far less than the valuation of the abutting acreage. Councilman Weisiger explained that Mr. Hill has agreed that in the purchase, the Town can pay \$25,000 on the day of closing and \$24,500 on July 1st, which is the next budget cycle. He remarked that with the acquisition of the right-of-way from Peppers Ferry Road to the Community Center site, the Town will be in a position to construct at least this portion of roadway. Councilman Weisiger explained that this portion of roadway will be very valuable once the Town's new facility is constructed. He advised that patrons to the new Community Center will be able to access it by using the new roadway or the Community College road that intersects with East Main Street. Councilman Weisiger remarked that the contractor that is currently on the site excavating for the new facility has prepared a contract amount for the construction of this new section of roadway. He noted that the contractor has indicated that he

is willing to extend the existing site excavation contract to include the construction of the new roadway. Councilman Weisiger advised that because the value of the road construction exceeds the limit established in the Town's Procurement Ordinance of \$50,000, a change order of this magnitude (approximately \$100,000) needs to be approved by the Council. He noted that given all of this information, it is the recommendation of the Public Works Committee that the Mayor and/or Town Manager be authorized to take the necessary steps to purchase the right-of-way from Mr. Hill in the terms described above. Councilman Weisiger stated it is also the recommendation of the Public Works Committee that once the right-of-way is acquired, the Town Manager be authorized, subject to approval by the Budget and Finance Committee, to execute the contract with Sowers Construction Company, Incorporated, for the cost of the construction of this new roadway. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to authorize the Mayor and/or Town Manager to take the necessary steps to purchase the right-of-way from Mr. Hill and execute the necessary documents therewith. Mayor Crewe inquired if there is any discussion on this motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

A motion was made by Councilman Weisiger and seconded by Councilman Lambert that once the right-of-way is acquired, the Town Manager be authorized, subject to approval by the Budget and Finance Committee, to execute a change order with Sowers Construction Company, Incorporated, for the cost of the construction of this new roadway. Mayor Crewe stated that the report states to "execute the contract," but it would actually be a change order for the existing contract. Town Manager Sutherland stated that is correct. Mayor Crewe noted the second motion would be that the Town Manager, after the acquisition of right-of-way is accomplished, be granted the authority to execute a change order with Sowers Construction Company in order to get this road constructed. Town Manager Sutherland noted that the thought behind this is that as the Budget and Finance Committee reviews this, they may or may not want to award this contract for the roadway. Mayor Crewe noted that there are two steps. He noted the first step is the Town has to have the right-of-way acquired, and, after that, the Budget and Finance Committee has to review the matter, and after they approve it, the Town Manager can execute the change order and noted this is the way he understands the motion. Town Manager Sutherland advised that is correct. Mayor Crewe inquired if there is any discussion on the motion. Mr. George Parks advised that he understands this, and the Town may or may not want to do this. Mayor Crewe explained that what the Town is doing is buying the right-of-way, and then the Town is going to see whether they can get Sowers Construction Company to build the road, or ask for another bid from someone else. Mr. Parks advised that he understands. Mayor Crewe inquired if there is any other discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: ORDINANCE NO. 1183 – BUILDING CODE AMENDMENTS

Mayor Crewe presented Ordinance No. 1183, an ordinance amending and reenacting Chapter 4, Building Regulations, Section 4-49, Permit for Use of Tent for Meetings and Section 4-81, Adoption by Reference; Definitions, of the Code of the Town of Wytheville, Virginia, on first reading. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to suspend the rules and adopt Ordinance No. 1183, an ordinance amending and reenacting Chapter 4, Building Regulations, Section 4-49, Permit for Use of Tent for Meetings and Section 4-81, Adoption by Reference; Definitions, of the Code of the Town of Wytheville, Virginia, on first and final reading. Mayor Crewe noted that this ordinance makes the two changes the Public Works Committee reported regarding bringing the Town's ordinance up to date with the Building Code in regard to the use of tents for meetings, and then the adoption of some of the plumbing regulations where the National Code changed to the International Code. Mayor Crewe inquired if there is any discussion on the motion. Councilman Jones advised that all this ordinance is stating is if a person wants to use a tent for a meeting, and it is on their property, they still need a permit. Town Manager Sutherland noted that is correct if the tent is being used for religious or business purposes. He advised that it is not for children camping, etc. Councilman Weisiger inquired if Councilman Jones is referring to someone renting a tent. Councilman Jones stated that is correct and when the American Cancer Society Relay for Life put up tents. Town Manager Sutherland noted that actually nothing changes, and it is just which Code the regulations are under. Mayor Crewe explained that the Town's old ordinance refers to it as the BOCA Code, which is the Building Official's Code Administration, and noted he thinks this is what BOCA stands for, and over the years, this has evolved into the International Building Code, so the Town is changing "BOCA" to "IBC" is what it amounts to. He noted that

these regulations are in there, but the code reference is different. Town Manager Sutherland advised that the same people would be subject to the regulations, just under a different code. Mayor Crewe inquired if there is any further discussion. There being none, the motion was approved with the following voting in favor and there being no opposition:

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

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1183 was adopted on first and final reading. Mayor Crewe stated that the ordinance will become effective immediately.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting. (7:25 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

BUDGET AND FINANCE COMMITTEE REPORT

JANUARY 10, 2005

1. In February of 2004, the Council took action to approve the waiver of water and sewer connection fees for the proposed Cassell Pines Planned Unit Development. We also agreed to waive building permit fees associated with the project. At that point in time, the total value of these waived fees was \$25,000. Recently, the Council approved increases in the connection charges for water and sewer, and we have now received a letter from the Wytheville Redevelopment and Housing Authority inquiring if this change in our fee structure negatively impacted their project plans. It is the position of the Budget and Finance Committee that the Council committed to waiving these fees, and the recent revisions to our fee structure do not, in any way, change our commitment to assist the Housing Authority with the creation of new housing units. Unless the Council directs otherwise, we will contact the Wytheville Redevelopment and Housing Authority and advise them that the agreement to waive fees is still binding.
2. Over the past several months, our Committee has reviewed opportunities to utilize the current favorable market conditions to refinance three older Rural Development sewer bonds into a program that will result in reduced interest payments. We have discussed these opportunities with the Virginia Resources Authority, Virginia Municipal League Bond Pool, and with a financial company known as Ferris, Baker Watts. Of the three proposals that we have reviewed, it appears that the proposal by Ferris, Baker Watts, Incorporated, would be the most favorable to the Town. Ferris, Baker Watts has

developed a program that will convert these three series of bonds into a 20-year structure that will result in cumulative savings to the Town of approximately \$1,961,000, or net present value savings of approximately 16.39 percent. The other advantage of this program is that it would shorten the life of our debt by 11 years, changing the payoff date from 2035 to 2024. The fee required by Ferris, Baker Watts for these services is \$15,000. Ferris, Baker Watts would solicit bids from banks to get the lowest possible interest rate for the Town. However, they have noted that if the Town is not happy with the bids that come in, the Town could merely reject them and no fee would be due to Ferris, Baker Watts.

The Budget and Finance Committee thinks that it is well worthwhile to proceed with refinancing these outstanding bonds. As such, it would be the recommendation of the Budget and Finance Committee that the Mayor or the Town Manager, as the case may be, be authorized to execute the agreement with Ferris, Baker Watts and to retain bond counsel to prepare the necessary documents. We believe that it is important to proceed with this refinancing as soon as practicable to assure that we get the lowest interest rates possible before interest rates change upwardly.

Jacqueline K. King

John W. Jones, Jr.

PUBLIC WORKS COMMITTEE REPORT

JANUARY 10, 2005

1. The Town's Building Official, Stan Massie, has advised that the Town's Code regulating the erection of tents is outdated and needs to be amended. These regulations are applicable to religious congregations or other organizations desiring to use a tent or similar structure for religious or other services or meetings. These regulations are also applicable to use of tents for retail activities and other public activities where fire or other hazards could result in danger to the participants within the tent. Currently, regulations regulating the use of tents are set forth in the BOCA National Building Code/1990. The new regulations, as adopted by the Commonwealth of Virginia, are provided under the International Building Code (IBC).

Mr. Massie also advises that plumbing regulations in Virginia have changed in a similar fashion. The old code was the BOCA Basic/National Plumbing Code/1990, and now the new regulations are established in the International Plumbing Code (IPC). Later this evening, the Council will consider an ordinance enacting these revisions. It would be the recommendation of the Public Works Committee that the rules be suspended and that the ordinance be adopted on first and final reading.

2. For over a year, the Town has been in negotiations with Mr. Don Hill for the acquisition of a section of right-of-way that extends from Peppers Ferry Road southeasterly to the boundary of the site of the new Community Center. It has long been planned that the Virginia Department of Transportation would construct a new roadway in a corridor that

begins at Peppers Ferry Road and extends all the way to Lithia Road near Exit 73. Unfortunately, this roadway project and other roadway projects throughout the State have been delayed because of the financial difficulties of the State. Because this section of roadway is such an important component to our new Community Center project, we independently began negotiations with Mr. Hill for the acquisition of this property. The right-of-way that is required for the construction of the roadway consists of approximately 1.8 acres not including the slope easements required for the roadway construction. Mr. Hill has now agreed to sell this section of right-of-way for \$49,500. The value of the acreage that we are obtaining is far less than the valuation of the abutting acreage. Mr. Hill has agreed that in the purchase, the Town can pay \$25,000 on the day of closing and \$24,500 on July 1st, which is in the next budget cycle. With the acquisition of the right-of-way from Peppers Ferry Road to the Community Center site, we will be in a position to construct at least this portion of roadway. This portion of roadway will be very valuable once our new facility is constructed. Patrons to the new Community Center will be able to access it by using this new roadway or the Community College road that intersects with East Main Street. The contractor that is currently on the site excavating for the new facility has prepared a contract amount for the construction of this new section of roadway. The contractor has indicated that he is willing to extend the existing site excavation contract to include the construction of the new roadway. Because the value of the road construction exceeds the limit established in our Procurement Ordinance of \$50,000, a change order of this magnitude (approximately \$100,000) needs to be approved by the Council. Given all of this information, it is the recommendation of the Public Works Committee that the Mayor and/or Town Manager be authorized to take the necessary steps to purchase the right-

of-way from Mr. Hill in the terms described above. It is also the recommendation of the Public Works Committee that once the right-of-way is acquired, the Town Manager be authorized, subject to approval by the Budget and Finance Committee, to execute the contract with Sowers Construction Company, Incorporated, for the cost of the construction of this new roadway.

William B. Weisiger

H. Judson Lambert