

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, APRIL 11, 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., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon P. Hackler, Town Attorney Robert P. Kaase, Patrol Officer Chris Irvin, 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 Councilman Weisiger followed by the Pledge of Allegiance led by Councilman Lambert.

**RE: CONSENT AGENDA**

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of March 28, 2005, and the request of the National Day of Prayer Group for waiver of fee for use of the Elizabeth Brown Memorial Park on May 5, 2005. A motion was made by Councilman Weisiger and seconded by Vice-Mayor King to approve the consent agenda consisting of the minutes of the regular meeting of March 28, 2005, and the request of the National Day of Prayer Group for waiver of fee for use of the Elizabeth Brown Memorial Park on May 5, 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: PUBLIC HEARING – ZONING ORDINANCE AMENDMENT**

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, to amend Article XIV – Permanent Mobile Home/Manufactured Home Parks, Section 14-4, Distance between Mobile Homes/Manufactured Homes on first reading. He stated this would change the end-to-end setback on the mobile home parks to drop the setback from the 25-foot current requirement to a 15-foot requirement. Mayor Crewe noted that Mr. Coleman Shuler has advised he does not desire to address the Council regarding this matter. He inquired if there are others present who wish to address the Council during the public hearing. There being none, he declared the public hearing closed. He noted if someone arrives late at the meeting and desires to address the Council, he will give them the opportunity to speak and will reopen the public hearing.

**RE: CITIZENS' PERIOD**

Mayor Crewe noted the next agenda item is Citizens' Period. He inquired if there are persons present who wish to address the Council during Citizens' Period.

Mayor Crewe recognized Mr. Coleman Shuler and advised him that he would please request him to limit his comments to five minutes, if he would, since the Council has a large agenda and a work session at this meeting. Mr. Shuler stated the Council knows parts of the circumstance that involve a criminal action that was taken against him with the Town of Wytheville being the plaintiff. He noted when they appeared in the court, he needed 90 days to prepare his case, and the judge granted 60 days. Mr. Shuler indicated that in his preparation, he discovered some things that he believes make it wise for the Town Council's benefit and for the benefit of the citizens for the Council to reconsider the criminal action. He noted there are other avenues, but criminal action will harm this body, harm the other citizens, and harm the reputation of the Town in general. Mr. Shuler indicated that he could not understand because if the Council recalls, last September, this body acted with concern and compassion relative to his health situation and relative to his economic situation in granting him six additional months before taking any other action. He noted that he checked when that six months expired, because he had been extremely ill in December and November, but in December, he was deathly sick. Mr. Shuler indicated that he had made considerable progress in accomplishing things that the Town asked of him. He noted that on the first meeting date of the new year, just recalling from memory that the six months were about up, he noted that he needed to communicate with the Town and let them know the status of where he stood. Mr. Shuler explained that he contacted the Town Manager, and he advised him that the matter was not on the agenda at that meeting, and no

legal action was going to be taken. He remarked that the Town Manager stated that before the Town does anything, in the next week or two, the Town will get with him, make an appointment and come out and assess the amount of progress that he has made and then decide from there. Mr. Shuler remarked that he took the Town Manager at his word because he does that with anybody who seems credible in the conversation he has with him or her because he thinks it is the right thing to do. He noted it was a few days after this that he was served with a criminal warrant, two different criminal warrants, and realized that this had not been brought before the full group, and it was just done in a manner of expedience that totally contradicted what the Town Manager had asserted to him. Mr. Shuler noted that he communicated with a number of the Council, and noted he would not go into that at this time for the time element. He remarked that the long and the short of it is that nobody conceded under the request that he made at that time, and he got to realizing and he knows the reason. Mr. Shuler stated that it does not have anything to do with his health and it does not have anything to do with his dire economic circumstances, but it has to do with political expedience, complaints, so forth, etc. He noted that the Town Council has difficult decisions to make, and on the major issues and the big projects, this body and previous Councils have done a tremendous job. Mr. Shuler advised he has always said this, and he will state it to the Council at this meeting. He remarked that the forethought with the Community Center and so many other projects, each of the Council specifically, and their predecessors, have done a wonderful job. Mr. Shuler indicated that with all of the things that are on the radio and the different programs, the town is one of the best places in the world. He noted that in some of the small cases, some of the little people get run over. Mr. Shuler remarked that the day they went to court, he could not have won that day because first of all, he was so sick that he had not been able to adequately prepare himself. He stated that in the meantime, being granted two of the three months he requested, he had a reasonable amount of preparation done, and he has found a way that he can win the case. He advised that because it is going to be difficult, and noted that in other words, he has been the only one suffering so far, so when he states, "please throw me a lifeline," someone states, "No, we have given you one before. Tough luck." Mr. Shuler remarked that this is going to impact those in this room, other Town employees, other citizens, and even some of the ones who have made the complaints, so then, he asks for the Council's wisdom to supersede the previous action because he will have to present himself before the judge with three different strategies. He advised that one strategy is to win the case that day, which he has a good chance at, but it is still probably 50/50 because those in this room figure they can win. He remarked that based on technicalities and how this judge normally decides cases, and based on what the Council thinks they have heard from employees and citizens, the Council thinks they have ample information. Mr. Shuler explained that based on that partial information, the Council is justified in coming to that conclusion. He remarked that the Council has to understand that he is the only one in this particular case who knows all of the circumstances, all of the discussion, and all the facts with all of the people with whom he has dealt. Mr. Shuler indicated that he made the statement to one person on Council of what Town Manager Sutherland promised and pledged to him, and he stated he would have to check and see what Town Manager Sutherland has to state and get back with him. He noted that when someone states, "Coleman, we heard this about you," no one checks with him and asks if this is true. Mr. Shuler advised that he does not state that anyone at this meeting has negative motives. He noted that, again, he respects the Council a great deal in most of the cases they take care of. Mr. Shuler remarked that he is not just talking about in integrity, he is talking about in wisdom and forethought, but since this is a case he may be able to win, but, if not, he will take it to the circuit court, and he may be able to win there. He noted he will take it to the Supreme Court, and he may be able to win there, and if he does not win in any of those three places, and probably before it gets that far, he will have to file suit against those in this room or those employed by the Town, or those who have made slanderous complaints or false complaints against him. He reiterated that he will have to take legal action against the municipality or the individuals in order to recover the damages and the losses that have been incurred to him. Mr. Shuler indicated that there were ten things that were cited a year ago, and then the two warrants, and noted they are segregated into two separate warrants before the court at the present time, and if the Council's only expectation is that it be resolved in some manner, that is being accomplished, but if the goal is, as the Town official stated, to make him a test case and an example and defeat him, that cannot occur unless he dies. Mr. Shuler stated that he found out enough more facts, in addition to what he already knew in January, but it will require him to subpoena a large number of witnesses, and each witness will only be able to contribute a small amount, but there will be different parts. He noted like the four men blindfolded seeing what an elephant was, one grabbed hold of the elephant's ear, and said that an elephant is like canvas or a piece of leather and tough, and one grabbed hold of his trunk, and said no, an elephant is like a big python, a strong snake that can wrap a person. He noted that one man grabbed hold of the elephant's leg and said no, that an elephant is a big, strong pillar like a big, huge tree, and one man grabbed hold of the tail, and said no, all of them were wrong, and an elephant is just like a little, tiny rope. He remarked that when the four men took off their blindfolds, it was like an elephant is bigger than all of that, and it is different than all of that. Mr. Shuler indicated that a real elephant is used to perform tricks for entertainment and work in the real world. Mr. Shuler summarized that he will have to subpoena each of the Council

to defend him because since he is in court charged with a crime, he does not plan to be a defendant that loses, but he plans to be a victorious defendant. He noted that until he becomes a plaintiff, he chooses to win as a defendant because if this group works with him at this meeting, he does not have any plans to take anybody to court because he has not done so thus far. Mayor Crewe indicated that Mr. Shuler's five-minute time limit is up, but he will give him one additional minute if he would like to conclude. He inquired if Mr. Shuler is asking the Council to do something and inquired if this is why he is attending the meeting. Mr. Shuler remarked that the simple thing is to drop the court case. He noted that everybody he asked before said they could not do it, and this is not true. Mr. Shuler indicated that anyone could have dropped the court case, and advised that Mr. Mike Sobey could have dropped it, and he refused. He noted that Mayor Crewe could have asked them to drop it, and he said, "No." Mr. Shuler advised that Town Manager Sutherland could have stated, "I told Coleman this. We did not do it that way. I am the highest paid employee by the Town. We are going to do what I committed." Mayor Crewe explained that the warrants were not issued at a Council action, and he supposes, theoretically, if the Council took an action directing staff to drop warrants, it could be done, but, it was not started at a Council action, and it really would not be ended with Council action. He inquired if anyone wants to make a motion to withdraw the warrants or instruct the staff or the Commonwealth Attorney to drop the court case. Mr. Shuler inquired if he could finish or if the Mayor would prefer to proceed with the asking of a motion. Mayor Crewe noted that if someone wants to make a motion, the Council can attempt this, but he does not think it is going to happen. Town Attorney Kaase interjected that he thinks it is not a unilateral decision. Mayor Crewe advised that he agrees, and it is the Commonwealth Attorney's decision. He explained that Council could ask Town staff or the Commonwealth Attorney's office to drop the case. Mr. Shuler stated with no disrespect to Mayor Crewe, personally, but he does not believe the facts that Mayor Crewe just gave him are accurate because Mr. Mike Sobey told him the Town could drop it, and the Council is stating that Mr. Sobey can drop the case. Mayor Crewe advised Mr. Shuler that this is why everyone is going to court because, obviously, there is dispute that they disagree on, and the only place to resolve it is in the court. Mr. Shuler advised that the Town disagrees on who can drop the case. Mayor Crewe explained that there is no motion from Council to drop the case, and it is not going to happen. He noted that he asked if anyone would like to make such a motion, and there was no motion. Mr. Shuler inquired if he could finish and advised he would like for the Council to understand that he does not want to deliberately cause any trouble, but the subpoenas that will be issued are not a ploy and are not a tactic, but it is to get the testimony before the court. He indicated that as he has stated, there are some people within the Town of Wytheville that are some of the greatest employees that treat people fairly, and he has tremendous respect for them. Mr. Shuler advised that some people are just trying to get him because there are some technical things that they can write on a sheet of paper. He noted that in common sense, this has gotten way out of hand, and there is no reason to take criminal action in court for things that are not life threatening. Mayor Crewe advised Mr. Shuler to do what he has to do to protect his interest, and noted that this is the best advice he can tell him. Mr. Shuler requested the Council to understand there is a quorum of this body that has conflict of interest, and there is the number of people in hired positions that have culpability, and he did not want to go there, but like he has stated, he has always been the type of person that when he could stab somebody in the back, he never did it. He noted that he faced the person in the front and said, "Let's work this out and be friends at the end." Mayor Crewe remarked that this is part of the disagreement that they have that they need a neutral party to decide, and this is why the Town thinks the judge is the proper person to do it. He advised that Mr. Shuler thinks the Town has staff that did not do what they are supposed to do or did something improper, and the Council does not think so. Mr. Shuler interjected that he knows it, and advised that the Town has documentation in its files that proves he is right if they have looked at all of it. Mayor Crewe noted that this is why they need to have a neutral party to decide. He remarked that he did not see any way, and noted that if someone wants to speak, they are welcome to do so, but he thinks that they will need a judge to resolve it. Mayor Crewe stated the Council appreciates Mr. Shuler attending the meeting and his comments. Mr. Shuler noted that when this ends up costing the Town more money and the good name, to please know he made the effort to come to the people that had the authority to make the choice. Mayor Crewe advised that this is duly noted. Mr. Shuler stated he came before just because it was about him, and now it is about everyone. Mayor Crewe remarked that it will be duly noted in the minutes of this meeting. Mr. Shuler thanked the Council for their time. Mayor Crewe thanked Mr. Shuler for attending the meeting.

## **RE: OLD BUSINESS**

Under Old Business, Town Manager Sutherland reported the following:

1. If anyone has an interest in attending the Commonwealth Transportation Board's pre-allocation meeting, it will be held next Tuesday in Bristol at 5:00 p.m.

2. Next week, the Budget and Finance Committee will meet on Wednesday, April 20, rather than on Thursday, April 21.

Mayor Crewe inquired if the VDOT hearing will be conducted via telecommunications. Town Manager Sutherland stated that is correct. Mayor Crewe noted that the officials will not be in Bristol, but they will be participating electronically. Town Manager Sutherland noted he would assume this is how the meeting will be conducted.

#### **RE: BUDGET AND FINANCE COMMITTEE REPORT**

Councilman Jones, reporting for the Budget and Finance Committee, stated that over the past several weeks, both Committees have had the opportunity to hear presentations from department heads concerning the appropriations they are requesting in the budget for fiscal year 2005-2006. He advised that currently, the total of all appropriations requested is slightly over \$17 million. Councilman Jones noted that in reviewing the information submitted by department heads and listening to their explanation for requested appropriations, the Committee finds that virtually all of the requests are well thought out and would serve the Town well. He stated, however, there are not enough revenues to fund all of the requested appropriations. Councilman Jones advised that later in the meeting, the Council will hold a budget work session, and they will review the projections for the revenue side of next year's budget. He noted that this session will give the Council an understanding of the revenues that will be available for the next year and help them in identifying the need for additional revenues. He explained that at the April 25 budget work session, hopefully, the Council can be in a position to make decisions on the appropriations that they deem necessary for the next year and balance this with the revenues that will be required.

Councilman Jones also reported that over the past couple of months, the Committee has reported on the Town's efforts to refinance certain Rural Development sewer bonds issued in 1990, 1991, and 1993. He explained that the Committee is pleased to report that the refinancing was completed on April 6, and the result of the Town's efforts to refinance is a cumulative savings of \$2,101,540.46, or 23.549 percent net present value benefit over the life of the bonds. Councilman Jones stated that additionally, the final maturity of the debt is shortened from 2034 to 2024, or a reduction of 10 years in debt service. He advised that, certainly, this effort was worthwhile, and the Town plans to continue to look at other opportunities to refinance debt and have yet additional savings. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

#### **RE: PUBLIC WORKS COMMITTEE REPORT**

Councilman Lambert, reporting for the Public Works Committee, reported that the Virginia Department of Transportation has announced two activities in which planning for future roadways will be reviewed. He noted that first, the Department has announced public hearings for its annual six-year allocation planning process. Councilman Lambert stated that these public hearings will be held in Bristol at the District Office on April 19. He remarked that as in past years, the Town will make a presentation to the Department of Transportation on the Town's needed highway improvements. Councilman Lambert advised that unfortunately, over the past few years, the Department has faced serious financial difficulties, and none of the projects that the Town has previously identified has been funded. He noted that given this is the situation, the Committee believes they could simply identify those projects that the Town has submitted previously with the hope that improved financing will result in their construction. Councilman Lambert stated that secondly, the Department of Transportation has announced that they will be performing studies for development of the 2030 highway transportation needs assessment. He explained that Town staff met with Department representatives last week and noted a number of projects that they would like identified. Councilman Lambert stated that again, similar to the Six-Year Improvement Program, those projects that the Town had identified in the 2020 Transportation Plan have not been funded to date, and, again, the Town has identified those same projects to the Department. He indicated that the Committee would note that the Department will be performing a number of traffic counting activities in the near future, and, at a number of locations throughout town, there will be the black tubes on the pavement that count the traffic. Councilman Lambert advised that additionally, the Department will be studying the efficiency of certain intersections, and they have noted that they will study all of the major intersections on Fourth Street as well as the intersection on East Main Street at Malin Drive and Lithia Road. He indicated that the Town anticipates it will be several months before any of this data will be available for review. Councilman Lambert stated that no action is required of the Council at this time with regard to either of these studies.

Councilman Lambert also reported that recently, the Town received an inquiry from Charter Communications Company regarding the lease of land on Sand Mountain on which on their existing telecable tower is located. He advised that apparently, this question came to light as

Charter Communications moved toward finalizing the sale of the Wytheville facilities to Rapid Cable Company. Councilman Lambert stated that as it turns out, part of the Charter Communications facilities are situated on the Town's land while the other part of their facilities are situated on land owned by the Shaffer family. He noted that initially, it was the Committee's thought that the Town could potentially grant a lease in exchange for telecable and Internet services to Town-owned buildings. He noted that in discussing this potential with Charter Communications, they advised that they felt the best situation was to pay a sum of money monthly rather than providing services. Councilman Lambert advised that Charter Communications noted that because the sale of the Wytheville facilities was pending, they were not sure if they could commit a future owner to providing these services. He stated, therefore, they discussed the monthly lease payment that would be appropriate for the lease of this land. Councilman Lambert explained that currently, the Shaffer family is receiving \$464 per month for the land on which some of the Charter Communications facilities are situated. He noted that they discussed this in their Committee meetings and felt this amount would be, likewise, equitable to the Town. Councilman Lambert remarked that Charter Communications has drafted a lease for the Town's review providing for the "\$464 per month payment, or \$5,568 per year." He noted the Committee thinks this lease arrangement is acceptable, but thinks that the Town's Attorney should review the language in the lease document before executing the lease. Councilman Lambert advised it would be the recommendation of the Committee that the Council authorize the mayor and/or town manager to execute the lease with Charter Communications once the form of the lease has been approved by the Town's attorney. A motion was made by Councilman Lambert and seconded by Councilman Weisiger to authorize the mayor and/or town manager to execute the lease with Charter Communications once the form of the lease has been approved by the Town's Attorney. 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. Town Manager Sutherland noted that Town staff will send the lease to Town Attorney Kaase for his review. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

#### **RE: ORDINANCE NO. 1186 – ZONING ORDINANCE AMENDMENT**

Mayor Crewe presented Ordinance No. 1186, an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, to amend Article XIV – Permanent Mobile Home/Manufactured Home Parks, Section 14-4, Distance between Mobile Homes/Manufactured Homes, on first reading. He noted that this ordinance changes the Zoning Ordinance end-to-end measurements between mobile homes to lower it from 25 feet to 15 feet to accommodate the larger manufactured homes. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to suspend the rules and adopt Ordinance No. 1186, an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, to amend Article XIV – Permanent Mobile Home/Manufactured Home Parks, Section 14-4, Distance between Mobile Homes/Manufactured Homes, on first and final reading. 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

ABSTENTIONS: None

Ordinance No. 1186 was adopted on first and final reading. Mayor Crewe stated the ordinance will be effective immediately.

#### **RE: WALL OF HONOR RECOMMENDATIONS**

Mayor Crewe stated the next agenda item is the consideration of the recommendation from the Wall of Honor Committee that Mr. James S. Phipps be appointed to the Wall of Honor Committee to fill the expired term of Mr. Craig Allison whose term expired February 1, 2005, and the recommendation that the names of Charles "Deacon" Phillippe, Allen Dix, and Trenton Crockett, Jr. be approved to be added to the Sports Hall of Fame Monument. The motion was seconded by Councilman Weisiger. 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: CITY OF ROANOKE**

Mayor Crewe stated he received a letter from Mr. Nelson Harris, the Mayor of the City of Roanoke, and noted the Council may desire to review this in Committee meetings, and they have a sample resolution they are asking the Town of Wytheville and every other jurisdiction around to pass requesting the Federal Aviation Administration to change its current proposal to close the air traffic control tower at Roanoke Regional Airport from midnight to 5:00 a.m. He explained that the City of Roanoke expects this to take effect soon as a result of federal cost cutting measures. Mayor Crewe indicated that the City of Roanoke believes that the region needs a 24-hour airport to ensure safe and efficient air travel, to help assist cargo and private planes that land throughout the night, and to help continue to spur economic growth. He noted if anyone has any interest in this, he will be more than happy to make this communication available. Mayor Crewe explained that if the Council desired, they could make a resolution, or if they wanted, they could look at it in Committee meetings, or the Town could take no action. Vice-Mayor King inquired if Mayor Crewe thought the Town should pass a resolution. Mayor Crewe answered that personally, he did not see how the Town of Wytheville will have much impact. He noted he did not think the Federal Aviation Administration cared what the Town of Wytheville states. Vice-Mayor King noted she would assume the City of Roanoke sent the letter to the adjoining jurisdictions. Mayor Crewe advised that he was thinking the Town may want to ask Wythe County what they are going to do, if they received this letter, and he would assume they did receive the letter. He explained that the Town does not have a lot of traffic flying in and out of Roanoke, and most of the people the Town has are either coming in from Bristol, driving, or coming in at Mountain Empire Airport on the economic prospects the Town has been receiving. Mayor Crewe noted that it is too expensive to fly in and out of Roanoke because a person can fly to Greensboro a lot cheaper. He stated that possibly the Council could ask Wythe County if they received this letter and see what action the County takes before the Town of Wytheville takes any action. Mayor Crewe advised what he is hearing is there is no big desire to pass a resolution at this meeting. He noted if someone has something to be considered, the Council will consider it later.

## **RE: TAXICAB COMPLAINT**

Mayor Crewe stated that Town Manager Sutherland received part of this today, but he received a telephone call from an irate citizen today who would not identify herself. He explained that she was complaining about the taxicabs. Mayor Crewe remarked that the instance the lady noted was that she and her mother came out of a doctor's office to be picked up by a taxicab, and the taxicab pulled up in front of the doctor's office, and the driver got out and asked if this was Medicaid, because if it was, he was not going to haul them. He noted the lady indicated to the taxicab driver that it was not Medicaid, and the driver noted it was acceptable, and he took them. Mayor Crewe remarked that he did not know if the Town has any control over this, and the Town is not setting the fees for the taxicabs. He advised that the lady had two complaints, one being that the driver was rude in stating that if they were government assisted people, he was not going to haul them. He reiterated that he did not think there was much the Council could do about that except when their Certificate of Convenience and Necessity is considered, the Council could comment on it. Mayor Crewe stated that a doctor has the right to refuse to treat a Medicaid patient, so he would presume that the taxicab has the right to refuse to haul a Medicaid paid patient, and advised that he did not know. He reiterated that he did not think there is much the Town can do about it, but note the complaint, and the Council could think about it. Mayor Crewe advised that he suggested that the lady call the taxicab company and complain to them. Councilman Jones inquired as to the name of the taxicab company. Mayor Crewe remarked that it was Premier Taxi, which is the only one that has a Certificate of Convenience and Necessity in town. He advised that the other thing the lady was complaining about is there is a \$25 fee to haul someone from the doctor's office in town to Max Meadows. He stated that, again, he does not think the Town regulates this, and he does not think the government has the power to regulate the fees. Mayor Crewe advised that he wanted to share this complaint he received today so the Council could be thinking about it as well.

## **RE: SHULER COURT CASE**

Mayor Crewe stated that if he understands correctly, Mr. Coleman Shuler's court case is set for next Wednesday, April 20. He noted that he thinks it is highly possible that all of the Council members may be subpoenaed. Councilman Jones stated he will be out of town. Mayor Crewe remarked that if the court makes Mr. Shuler abide by the rules, he is too late to get the Council members subpoenaed, and Mr. Shuler will have to pay the fee. Mayor Crewe reiterated that everyone may want to think about this. Town Manager Sutherland inquired regarding as to the time frame to subpoena someone. Mayor Crewe explained that the person has five days to get everything served on someone. He noted that a person should receive their subpoena a minimum of five days before the hearing date.

**RE: MOUNT ROGERS EXECUTIVE BOARD**

Vice-Mayor King advised that Anne B. Crockett-Stark was reappointed to the Mount Rogers Executive Board at their meeting that was held recently.

**RE: ADJOURNMENT**

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting. Mayor Crewe advised that the Town Council will now hold the budget work session (7:30 p.m.).

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Trenton G. Crewe, Jr., Mayor

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Sharon P. Hackler, MMC, Clerk of Council

## **BUDGET AND FINANCE COMMITTEE REPORT**

**APRIL 11, 2005**

1. Over the past several weeks, both Committees have had the opportunity to hear presentations from department heads concerning the appropriations they are requesting in the budget for fiscal year 2005-2006. Currently, the total of all appropriations requested is slightly over \$17 million. In reviewing the information submitted by department heads and listening to their explanations for requested appropriations, we find that virtually all of the requests are well thought out and would serve the Town well. However, there are not enough revenues to fund all of the requested appropriations. Later this evening, the Council will hold a budget work session, and we will review the projections for the revenue side of next year's budget. This session will give us an understanding of the revenues that will be available for the next year and help us in identifying the need for additional revenues. At the April 25 budget work session, hopefully we can be in a position to make determinations on the appropriations that we deem necessary for the next year and balance this with the revenues that will be required.
2. Over the past couple of months, our Committee has reported on our efforts to refinance certain Rural Development sewer bond issued in 1990, 1991, and 1993. We are pleased to report that the refinancing was completed on April 6, and the result of our efforts to refinance is a cumulative savings of \$2,101,540.46, or 23.549 percent at present value over the life of the bonds.

Additionally, the final maturity of the debt is shortened from 2034 to 2024, or a reduction of 10 years in debt service.

Certainly, this effort was worthwhile, and we plan to continue to look at other opportunities to refinance debt and have yet additional savings.

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Jacqueline K. King

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John W. Jones, Jr.

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## **PUBLIC WORKS COMMITTEE REPORT**

**APRIL 11, 2005**

1. The Virginia Department of Transportation has announced two activities in which planning for future roadways will be reviewed. First, the Department has announced public hearings for its annual six-year allocation planning process. These public hearings will be held in Bristol at the District Office on April 19. As in past years, we will make a presentation to the Department of Transportation on our needed highway improvements. Unfortunately, over the past few years, the Department has faced serious financial difficulties, and none of the projects that we have previously identified have been funded. Given that this is the situation, we believe that we could simply identify those projects that we have submitted previously with the hope that improved financing will result in their construction. Secondly, the Department of Transportation has announced that they will be performing studies for development of the 2030 highway transportation needs assessment. Town staff met with Department representatives last week and noted a number of projects that we would like identified. Again, similar to the Six-Year Improvement Program, those projects that the Town had identified in the 2020 Transportation Plan have not been funded to date, and again, we have identified those same projects to the Department. We would note that the Department will be performing a number of traffic counting activities in the near future, and, at a number of locations throughout town, there will be the black tubes on the pavement that count the traffic. Additionally, the Department will be studying the efficiency of certain intersections, and they have noted that they will study all of the major intersections on Fourth Street as well as

the intersection on East Main Street at Malin Drive and Lithia Road. We anticipate that it will be several months before any of this data will be available for review. No action is required of the Council at this time with regard to either of these studies.

2. Recently, we received an inquiry from Charter Communications Company regarding the lease of land on Sand Mountain on which their existing telecable tower is located. Apparently, this question came to light as Charter Communications moved toward finalizing the sale of the Wytheville facilities to Rapid Cable Company. As it turns out, part of the Charter Communications facilities are situated on the Town's land while the other part of their facilities are situated on land owned by the Shaffer family. Initially, it was our thought that we could potentially grant a lease in exchange for telecable and Internet services to Town-owned buildings. In discussing this potential with Charter Communications, they advised that they felt that the best situation was to pay a sum of money monthly rather than providing services. Charter Communications noted that because the sale of the Wytheville facilities was pending, they were not sure if they could commit a future owner to providing these services. Therefore, we discussed the monthly lease payment that would be appropriate for the lease of this land. Currently, the Shaffer family is receiving \$464 per month for the land on which some of the Charter Communications facilities are situated. We discussed this in our Committee meetings and felt that this amount would be, likewise, equitable to the Town. Charter Communications has drafted a lease for our review providing for the "\$464 per month payment, or \$5,568 per year." We think that this lease arrangement is acceptable, but think that the Town's

attorney should review the language in the lease document before executing the lease. It would be the recommendation of our Committee that we authorize the mayor and/or town manager to execute the lease with Charter Communications once the form of the lease has been approved by the Town's attorney.

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William B. Weisiger

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H. Judson Lambert

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