

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JUNE 13, 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, Town Treasurer Michael G. Stephens, Danny Gordon with WYVE/WXBX, Becky Grubb, Pat Snapp, Randy Anderson, Mark Boenke, James Melton

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 May 23, 2005, and the request of the Wythe County Department of Social Services for waiver of fee for use of the Elizabeth Brown Memorial Park on June 30, 2005, for a picnic. A motion was made by Vice-Mayor King and seconded by Councilman Jones to approve the consent agenda consisting of the minutes of the regular meeting of May 23, 2005, and the request of the Wythe County Department of Social Services for waiver of fee for use of the Elizabeth Brown Memorial Park on June 30, 2005, for a picnic. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: PUBLIC HEARING – WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider Ordinance No. 1190, an ordinance replacing Article XXII, Standards for Telecommunications Antennas and Towers of the Town of Wytheville Zoning Ordinance with a new Article XXII, Ordinance Regulating the Siting of Wireless Telecommunications Facilities. He noted this ordinance will be considered later in the meeting. Mayor Crewe inquired if there is anyone present who wishes to address the Town Council during this public hearing. He noted he did not see anyone who had indicated on the sign-up sheet that they desired to address the Council regarding this matter. Mayor Crewe noted that if someone arrives later at the meeting, he will give them the opportunity to address the Council. There being no one to address the Council during the public hearing, Mayor Crewe declared the public hearing closed.

RE: CITIZENS' PERIOD

Mayor Crewe advised that the next agenda item is Citizens' Period. He noted that the Council has Mr. Randy Anderson's concerns as the subject of a report at this meeting, but the Council will be glad to hear from him. Mayor Crewe stated that Mr. Anderson has advised that he would like to address the Council regarding parking lot safety, etc.

Mr. Randy Anderson was recognized and stated that he wondered coming into this meeting exactly what he would state to the Council. He stated that he has spoken to over 2,000 people at one time, as well as 113 employees at his store at one time, and noted that he nominated Mr. Bill Carrico last week, but he is nervous addressing the Council. Mr. Anderson advised that he has seen all of the Council members around town, but it is nerve-wracking. He noted that his biggest concern is safety, and ironically he went for a safety meeting today with Lowe's, and he spent all day at Kernersville talking about safety. Mr. Anderson advised that he was thinking about the parking lot conditions of the Wytheville store, and not just Lowe's, but all of the stores in the town. He noted that, ironically, again, he stopped at a truck stop and fueled his car, and noted that the trucks were separated from the cars. He noted that coming into town, he was thinking this is a beautiful town. Mr. Anderson stated that he was born and raised in Wythe County and went to Fort Chiswell High School. He advised that he then attended Wytheville Community College and went on to Radford University. Mr. Anderson indicated that he has always noticed something about Wytheville. He stated that growing up, a person spends a lot of time thinking that he/she wants to move somewhere else. Mr. Anderson advised that he has spent 20+ years trying to come back to Wytheville. He noted that coming back into Wytheville, he knows what a beautiful community it is, and the fact that the Town takes pride in keeping it

clean and neat. Mr. Anderson remarked that he sees the street sweeper sweeping the curbs. He noted that looking at all of this, he has been thinking about a combination of things including safety and the cleanliness of the town. Mr. Anderson stated that the parking lot conditions at the Wytheville store are getting out of control. He noted that Lowe's has put up signs, but in this day and age, no one seems to honor those signs. Mr. Anderson advised that Lowe's would hope that they could get the Council to look into this matter and see what they could do to help support them with the parking lot situation. He stated that he took some pictures that he would like to present to the Town Council. Mr. Anderson advised that this is the Town's newest shopping center, and noted the only thing they have had happen, except for last year, he knows at Wal-Mart, they had someone back a truck over a family's vehicle while shopping at Wal-Mart. Mr. Anderson noted that no one was hurt in this accident, but he is sure it was nerve-wracking for the people who got hit. He stated he has had as recently as this past Saturday, a truck pulling in at a fast speed, enough that he was eating lunch with his wife and he jumped out of his vehicle and stopped the truck and approached the truck because it was out of control. Mr. Anderson noted that the trucker was pulling in, and the photographs would show that he was turning the truck very sharply and had no sympathy for anyone in his way. He stated that he asked the trucker to move, and he moved to the other side of the parking lot and cut just as sharp and proceeded to the middle of the street and parked in the middle of the street. Mr. Anderson explained that at that time, he called the police to help them remove some other trucks and he told them about this trucker and they wrote him a ticket. He noted that this truck was parked between the Dollar Tree and Wal-Mart. Mr. Anderson stated that last week, they had a light pole knocked down, and he had the Director of Public Safety at the site, and they were looking at the light pole and the parking lot conditions, and underneath the pole, there was a lady stopped putting her child in the car seat, and he was thinking what would have happened if they had been in the parking lot when the light pole was struck. He advised that this was the second light pole they have had hit in their parking lot, and noted he knows there was a light pole that was hit across from Wendy's. Mr. Anderson pointed out that light poles are expensive and that they cost \$10,000 each. He stated that one trucker that hit a light pole kept going. Mr. Anderson noted that the trucker with Snyder Trucking was nice enough to report it. He stated that this is the town's shopping center, and for the Town of Wytheville and the surrounding areas. Mr. Anderson stated that this is a big draw for people. He advised that to give the Council an indication, they see people from their Zip Code capture from Bristol, Christiansburg, Blacksburg, and they state they come to this store because of the easy access in and out. Mr. Anderson advised that some people from Pulaski have stated that they would rather come to Wytheville than go to Christiansburg because they can get in and out. He reiterated that the trucks are becoming a serious issue. Mr. Anderson indicated that he knows the State is even proposing separating the tractor trailers from the other vehicles because of this reason. He noted that he had a truck swerve out in front of him coming to this meeting. He advised that he is not making all of this up because he asked the Lord to help him to state the right things at this meeting, and he believes in His guidance. Mr. Anderson stated that also, this came from one of his vendors who noted there was an elderly lady shopping and she was going across their parking lot and a tractor trailer was pulling in and she must have been in the trucker's way because he made obscene gestures at her. He advised that he thinks this is ridiculous. Mr. Anderson pointed out that he is not speaking badly of all the truck drivers, and noted he has two uncles that are truck drivers and a cousin who is a truck driver who lives in Piney. Mr. Anderson noted that what he is stating is there is a handful that is not very courteous, and they have no respect for the signs. Mr. Anderson noted that he had one trucker tell him that they must have just put the signs up. He stated he explained to the driver that the signs had been erected for some time, and the trucker noted to him that the Lowe's store had only been open three months. Mr. Anderson noted that the Council knows, since Mayor Crewe was at their grand opening, that they have been open almost four years. He stated that the condition, again, is it is the newest shopping center, and the truckers are out to do whatever they want to do. Mr. Anderson stated he knows there are enough truck stops to meet the truckers' needs. He noted there are Flying J's, Wilcos, the one on Peppers Ferry Road, etc. He remarked that there are plenty of places for the truckers to shop. Mr. Anderson noted that, again, he apologizes for one of the pictures, but it contains human waste, etc., and these are the types of things they are leaving in their parking lot. He pointed out that one of the photographs shows an empty toilet roll with stuff in it. Mr. Anderson indicated that he picked up a bag where they put human waste in it, and when he was carrying it, it ripped and splattered all over his shoes and pants. He stated that, again, he has had prostitution in the parking lot, and noted the reason he knows this is because one lady cannot have ten husbands. Mr. Anderson advised that he has had people tell him that they were meeting their husband or wife, and he has noted it is the same woman meeting different people, and advised that he knows this information is not accurate. Mayor Crewe noted that he has tried to contact Mr. Anderson twice and missed him. Mayor Crewe noted he talked to Mr. Bill Carrico and gave Mr. Carrico a bit of misinformation. He explained that there are lots of issues mixed up. Mayor Crewe stated that the Town knows there is a problem, and they would like to try and help solve the problem. He remarked that the largest problem the Town has legally is without a letter from the owner on file with the Police Department, the Town cannot enforce the "No Trespassing" laws on private property. He explained that this is what the State Code states. Mayor Crewe indicated the Town had this

letter for awhile, and the Town did not have it for awhile, and noted that his understanding is the Town does not have the letter at this time, and the Town is not enforcing it. Mayor Crewe pointed out that this is part of the issue. He noted there is another part of the issue, and noted he was at Lowe's the other night and counted 14 trucks backed in at 9:30 p.m. to 10:30 p.m. at night. He noted the trucks were lined up all the way across the parking lot and most of them had their engines running, but the lights were off, and stated that probably the truckers were asleep. Mayor Crewe stated that on the other side, he counted nine campers on the Wal-Mart lot. He advised that the argument the Town always gets into with the owner of the property of the Wal-Mart side is that Wal-Mart wants campers, and Lowe's does not want trucks, and how does the Town differentiate and how do they separate this. Mayor Crewe noted that another thing they had talked about, and the Committees had reviewed as late as last week, is trying to set up a meeting with Mr. Anderson and whomever else they need to from Lowe's to see if reconfiguring the entranceway or doing something different may help. He commented that it occurred to him that maybe changing the wording on the signs may help because if he remembers correctly, the signs state unlawful vehicles not allowed or something similar to this. Mayor Crewe pointed out that the sign does not state no parking after store hours, no overnight parking, etc. He stated he was thinking that possibly a sign like this may give a better way of enforcing the parking. Mayor Crewe remarked that another question he had, and noted he does not know if Lowe's has ever done this, and advised that this cannot be the only place this is a problem for Lowe's and it has probably been addressed somewhere else, but noted he was wondering what someone else has been able to do. Mayor Crewe advised that the Town has talked for a month about having a private security guard or doing something like this. He noted that he thinks once the word gets out, things will get better. Mayor Crewe stated the truckers that are ticketed are not going to be the truckers who park there tomorrow night, but it is going to be someone different, and this will have to be done for awhile. He inquired of Mr. Anderson if he has had any feel of whether this has come up at any other Lowe's store or other places and how they dealt with it. Mr. Anderson advised that this has happened in other places. He explained that in Michigan, they have problems. Mr. Anderson stated he was talking to a gentleman, and he was giving him some insight into things they had done for the parking problem. He noted that going back to the signage, if the Council members view every island, there is a "no tractor trailer parking" sign, and "no parking" means no parking. Mr. Anderson advised that there is "no overnight parking" beneath the "no parking" on the signs. Mayor Crewe remarked that he agrees, but, apparently, what they are doing is going near the store and turning nose downward and parking with the front end down toward the lower end of the parking, near the Wal-Mart end is where he has generally seen the truckers parking. He noted that arguably there is not a sign at this place because they are deliberately not parking near the islands. Mayor Crewe stated this is his thought, but he does not know why they are picking this particular spot, but they are not parking next to the islands or the signs most of the times when he has seen the trucks. Mr. Anderson stated that when a person pulls into the parking area, it states "no parking," and it is all the way across the front. Mayor Crewe advised that he agreed. Mr. Anderson pointed out that some of the photographs will show the signage. Councilman Jones remarked that there is also a sign as a person turns into the main entrance on the street that states "no tractor trailers." Mr. Anderson advised that these signs are like any other sign, and if no one enforces the stop signs, then people are going to run them. He noted that if no one enforces people using red lights, people are going to run them. Mr. Anderson indicated that they have no parking on their parking lot, and noted he has been enforcing it. He stated he spent three hours in the parking lot on Saturday before last asking the truckers to leave. Mr. Anderson noted this does not help him at night. He stated they have also hit two storage buildings that were destroyed, and the cost was \$80,000 for the pavement that the Council can see in the photographs that they cut into again, and noted it was actually more than \$80,000. Mr. Anderson stated they do not care who is there or who is shopping. He noted that he has customers calling in complaints because they state they do not feel safe, and advised that he can understand this. Mr. Anderson asked the Council to look at one of the trucks when they are riding around in a little vehicle, and there is reason not to feel safe. He noted that this is Wytheville, one of the prettiest towns. Mr. Anderson stated he is not attending the meeting to tell the Council where he has been or what he has done, but from the islands of Hawaii to Nevada to Utah to Niagara Falls, people take for granted what they have in the Town of Wytheville. He remarked that this town looks like the island of Hawaii, but there is no ocean beside it. Mr. Anderson reiterated that Wytheville is a beautiful place. Councilman Weisiger inquired if these are trucks off the interstate and not trucks bringing supplies to Lowe's. Mr. Anderson noted these are trucks coming in to shop at Wal-Mart or to sleep or to hook up in a relationship. He indicated that what amazes him is that some of the truckers are too lazy to walk to the restrooms, and they throw it out. Mr. Anderson pointed out that a battery was left at a light pole, and this is hazardous waste, and they just left it. He stated he did not make these pictures up, and they were taken Friday. Councilman Weisiger noted that he knows Wal-Mart encourages campers to stay overnight in their parking lot and inquired of Wal-Mart's policy on trucks. Mr. Anderson noted that Wal-Mart is indecisive about trucks. Mayor Crewe noted that is correct, and they will not take a definitive stand one way or the other. Mr. Anderson stated that Wal-Mart is happy as long as the trucks are parked on Lowe's parking lot, but they are mad if they park in their parking lot. He noted he has had some of the Wal-Mart staff tell him that they have called to have the trucks removed when they get down into their

parking area. Mr. Anderson noted that some of the pictures were taken in the fall because they planted trees, and the truckers ran over them, and they planted more trees, and the truckers ran over them, too. He stated the Council can tell the difference in the pictures because the fall ones have fall leaves in them. Mr. Anderson reiterated that most of the pictures were taken on Friday. Mayor Crewe indicated that one of the issues with the trespassing, and advised that they had this problem with other shopping centers, is if a truck comes in and parks on Lowe's parking lot near Wal-Mart, and walks over to Wal-Mart at 2:00 a.m. in the morning and purchases a stick of chewing gum, technically, he may not be trespassing because he was a customer at the store. He stated he did not know how this would be decided in court, but noted that this is another issue the Town has tried to balance and see what happens. Mayor Crewe explained that sometimes when one problem is solved, it creates two more. He noted that he thinks where the Committees left this when they were discussing it was trying to set up a meeting with the Lowe's officials. Town Manager Sutherland interjected that he thinks it would also be helpful if there was a representative from Wal-Mart at this meeting. He stated that Wal-Mart is going to have to make some decisions, too, on what their policy is. Mr. Anderson noted that they do not have to make a decision about Lowe's because Lowe's owns its building. Town Manager Sutherland stated that is correct, and Lowe's can post their property. Mr. Anderson remarked that the separation between Lowe's and Wal-Mart is that Wal-Mart states that they have Sam's Club members that are allowed to camp, but, again, if a person has a neighbor that lives beside them, and he is allowing them to camp, that does not mean the campers can pull in his yard. He stated he knows that from experience because there was a business near one of his homes he used to own, and they took liberty to park in his yard. Mr. Anderson advised that it was not the fact that they parked in his yard, but it was the fact that they were not courteous to ask, but they lined up, and he had to come out and pick up their beer bottles. Town Manager Sutherland noted that this has been a topic at Committee meetings this week, and the Town has researched and has a number of pieces of State law that may be applicable to this situation. He stated he has given Town Attorney Kaase one piece of State law that may be germane. Town Attorney Kaase explained that either the Town is going to take over the responsibility of policing the Lowe's parking lot, etc. or he is sure that Lowe's has attorneys and inquired of Mr. Anderson as to what their attorneys recommend to him. Mr. Anderson stated that he sent the attorneys an e-mail, and he cannot recall what the e-mail stated. He advised that Lowe's does have attorneys, and Lowe's can get the Town a letter on file turning over the policing of the parking lot to the Town of Wytheville. Town Attorney Kaase advised that this is the whole point, and he is not on the Council, but the question is if the Council is responsible for policing the parking lot, and this is up to the Council. He noted that if the Council states the Town will police the parking lots, then as the fathers of the Town of Wytheville, is the Council responsible for policing all of the parking lots. Town Attorney Kaase inquired regarding the duties of Lowe's in terms of them policing their parking lot. Mayor Crewe stated that he can inform Mr. Anderson, as he probably suspects, when he talks to Director of Public Safety Newberry, they do not want any part of policing the parking lots because they are going to need to hire two more officers, purchase two more cars, and have someone out there all night long, and police officers do not like tapping the doors and windshields of the trucks where people are sleeping in them. He advised that he is told that they carry weapons of one kind or another, and it is a dangerous situation. Town Manager Sutherland stated he knows that some nights the Town may be able to ask the truckers to move from the premises, but on a busy night, they may never get to the parking lot at Lowe's at all. Mr. Anderson indicated that it is ironic when it is acceptable for him as a citizen to go down and beat on the truckers' doors and tell them to move and enforce the law. He noted it is acceptable for him to do it. Town Attorney Kaase indicated that Mr. Anderson is not doing it as a citizen, he is doing it as a property owner. Mayor Crewe noted that Mr. Anderson is asking the truckers to move because it is Lowe's property, and it is different than the police going on private property, and this is the stumbling block. He stated that Mr. Anderson needs to make sure that any attorney he is talking to is looking at this under Virginia law because he understands that the Virginia law is a little different from the other states in terms of what municipalities can do on private property. Mayor Crewe indicated that there are some specific requirements before the Town can do this. He stated that Town Attorney Kaase is highlighting the other side of the argument, which are the issues that have to be balanced. Mayor Crewe noted there are six or eight parking lots in town. He remarked that the Town did this once upon a time, and noted that the Town did not enforce it, but the company had a private security guard at a shopping center that placed charges against someone, and the Town was not involved in it in any way, but the Town got sued. Mayor Crewe advised that the case went all the way to the appellate court. He noted the Town won, but there was an expense to the Town, and they did not have anything to do with it, and it was a private security guard firm that was involved in it. Mayor Crewe explained that these are all the kinds of issues the Town is trying to balance. He reiterated that the Town realizes there is a problem, but they do not see any quick, easy solution to it, but advised that neither does Mr. Anderson. Town Manager Sutherland indicated that this matter is on the Public Works Committee meeting agenda for tomorrow morning. Mayor Crewe stated that where the Council will leave this is the Town is going to keep working on this and keep working with Mr. Anderson on this. He noted that if Mr. Anderson can give the Town the names of the attorneys or who the Town needs to talk with, and stated he thinks the Town needs to coordinate with Wal-Mart, as well. Mayor Crewe indicated that if Mr. Anderson can

give the Town the names of Lowe's attorneys, they can try to set up a meeting and try to balance all of these issues and come up with a solution for them. He stated that clearly, this is a problem, and it does not do Lowe's any good or the Town any good, but this has to be addressed in a proper fashion. Mr. Anderson advised that, again, his biggest concern is safety. Councilman Jones indicated that Mr. Anderson could attend the Public Works Committee meeting in the morning at 7:00 a.m. when this is going to be discussed if he desired. Mayor Crewe explained that the Public Works Committee members are Councilmen Weisiger and Lambert. He stated the Budget and Finance Committee members are Vice-Mayor King and Councilman Jones. Mayor Crewe noted that the Budget and Finance Committee meets on Thursday mornings at 7:00 a.m., and the Public Works Committee meets on Tuesday mornings at 7:00 a.m. He advised that the Public Works Committee will meet tomorrow morning, and Mr. Anderson is welcome to attend. Mayor Crewe pointed out that the Committee meetings are open to the public. He stated that this matter is a topic on the Public Works Committee agenda for tomorrow morning. Councilman Jones remarked that the Budget and Finance Committee discussed this at their meeting this past Thursday morning and talked about some ideas. He commented that the Town has had a problem before, not with Lowe's or Wal-Mart, but K-Mart in particular where vehicles were parking in the fire lane, and the Town wanted to enforce this. Councilman Jones noted that the Town could not enforce vehicles parking in the fire lane because K-Mart would not give the Town permission to do so because they did not want to upset their customers. He stated that yet, if there was a fire or a serious problem where the Town needed to get rescue vehicles or fire trucks in and the fire lanes were blocked, this could be a real problem, but K-Mart did not want the Town to be able to police it. Councilman Jones indicated that in Lowe's case, they are a little different in what they want done, but this is the problem the Town has with respect to private property. He stated that the Council is concerned about this, and they are going to review it. Councilman Jones noted that he does not know if the solution is going to make everyone happy, but it is not something the Town is just brushing off. Mr. Anderson explained that they are looking at alternatives, and they are sending him some blown up plans of the development where he thinks they need access to get their trucks in and out, and they are looking, of course, at running concrete barriers perpendicular with their building. He noted they do not want to junk up their parking lot. Mayor Crewe indicated that if they plant trees, the truckers will run over them. Mr. Anderson stated that is correct, and they are reviewing limiting access into the parking lot. He noted he is not sure they can do this. Mr. Anderson indicated that, again, at night, when he is gone, it is a problem. Mayor Crewe stated that at nighttime, it is a real problem and inquired if that is correct. Mr. Anderson pointed out that the trucks can still circle around. He noted that the Council should come to Lowe's and look at the trucks on Saturdays. Mr. Anderson advised that Saturdays are really busy, but the Council should come over on Saturdays. He noted that a person can see at around 12:00 noon, the trucks start coming in, and they are still coming in at 5:00 p.m. Mr. Anderson noted that he works 6:00 a.m. to 5:00 p.m., and he will be leaving Lowe's and running the truckers off for an hour. He stated that, again, they run stop signs, and there are people coming in who are happy, and they are going to buy a grill, but Lowe's does not need something to happen where their customers get run over by a tractor trailer. Vice-Mayor King inquired if when Mr. Anderson asks the truckers to leave if they leave. Mr. Anderson noted that they do not always leave, and sometimes they give him a difficult time, and they want to fight him, etc. Mayor Crewe inquired if Mr. Anderson has any feel for repeat customers, and is it the same truckers stopping every time they come by. Mr. Anderson noted that what he is hearing is they have Lowe's on their log, and that basically, Lowe's is their stop. Mayor Crewe indicated that what he has noticed is most of the trucks he has seen parked there are owner/operators, and that is exactly what he is figuring. He stated he has asked other truckers, and they tell him that the truck stops, particularly, late at night, fill up, and they cannot get on the lot, and most of those places are charging. Mayor Crewe explained that if a trucker does not purchase fuel, they have to pay a parking fee or if they are using the showers, etc. He noted that for someone who has overhead, Lowe's is a free spot to stop, but it still is easy to get in and off of the interstate and matches the mileage they need from wherever they have to stop to fill out their logs of how many hours they were off the clock before they drove again. Mayor Crewe indicated that this is what he is surmising what is happening based on the trucks that seem to park there. He noted that there are not many company trucks. Councilman Lambert advised that there are no Hunt trucks or anyone like that. Mayor Crewe stated that is correct, but it is the owner/operator trucks, and he thinks they are trying to find a cheap place to stop between one point and another point for so many hours, and reiterated that this is what it looks like to him. Mr. Anderson indicated that when the Town was writing the \$5.00 tickets, the truckers were not paying much attention to it, but it helped because word of mouth was that they cannot park there. He noted that a person would think that the rocks in the islands, the barriers, and the signs would deter them, but it does not, but when the Police Department was actually enforcing it, they saw it drop drastically, and they saw the trucks start going away. Mr. Anderson noted that this is why he has been so persistent with it is because it is not an easy solution, but they do not want something to happen to them that their competitors have had happen, that would bring a lot of attention to Wytheville in a negative way and also to their shopping center. He stated he appreciates the Council listening to him. Mr. Anderson remarked that he hopes he has presented himself in the correct way, and he does not have a vendetta against anyone. Mayor Crewe stated that the Council thanks Mr. Anderson for

his comments and appreciates him attending the meeting. He noted that if Mr. Anderson would like to attend the Public Works Committee meeting tomorrow morning or any Tuesday morning, he is welcome to attend. Mayor Crewe reiterated that if Mr. Anderson can give the Town the names of Lowe's attorneys, the Town will try to contact them, exchange some information, and try to find a solution. Mr. Anderson indicated that he will have this information in the morning, and he will attend the 7:00 a.m. meeting. Mayor Crewe advised Mr. Anderson that there is a doorbell at the backdoor of the building for him to ring for the meeting in the morning. Mayor Crewe and Vice-Mayor King thanked Mr. Anderson for attending the meeting.

Mayor Crewe inquired if there are others who wish to address the Council during Citizens' Period. There being none, he proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. Town Treasurer Stephens met with the Budget and Finance Committee on Thursday morning and noted that there are certain year end adjustments that need to be made to the current budget. To make those year end budget revisions, it requires a public hearing to be set. Town Manager Sutherland advised that he would request the Council to set a public hearing for June 27, 2005, for a public hearing to consider the budget amendments for fiscal year 2004-05. Mayor Crewe inquired if any Council member has any problems with setting this public hearing. There being no concerns, it was the consensus of the Town Council to set a public hearing for the June 27, 2005, meeting to consider the budget amendments for fiscal year 2004-05.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, stated that later in the meeting, the Council will consider, on third and final reading, the adoption of the budget for the Town of Wytheville for fiscal year 2005-2006. She noted that as the Council has noted in previous discussions, the budget, as it is currently drafted, has relatively few capital outlay projects in it. Vice-Mayor King advised that as the Council has continued to review requested budget items, there are a number of projects on both the General Fund side and the Water and Sewer Fund side that have been suggested for inclusion in the upcoming budget. She noted that on the General Fund side, there have been four items (an increase in paving funds, funding the purchase of a pickup truck, construction of a storage shed, and the purchase of a loader) with the total value of \$108,000 that have been suggested to be an amendment to the budget as it is drafted. Vice-Mayor King explained that the General Fund side of the budget as it is currently drafted is balanced, and, therefore, inclusion of these capital outlay items would require that this \$108,000 be taken from reserve funds. She noted that on the Water and Sewer Fund side of the budget, there are a number of projects, including water and sewer line construction projects and improvements to the Water and Sewer Treatment Plants, whose total value equals \$962,000. Vice-Mayor King noted that if the budget, as drafted, includes an amendment to add these capital outlay projects, it will necessarily require a loan of equal value from the General Fund side of the budget to be transferred to the Water and Sewer Fund side. She remarked that later in the meeting, when the budget is considered, and if these amendments are offered, the Committee would note that it is their intent that the projects that have been identified and, if funded, are to be completed within the next budget cycle.

Vice-Mayor King also reported that at the last meeting of Council, several local developers made an inquiry regarding the Town's water and sewer connection fees for multiple-family dwellings. She noted that in December of last year, the Town adopted a new fee schedule for multiple-family dwelling utility connections requiring that each dwelling unit within the multiple-family structure have its own individual water and sewer connection. Vice-Mayor King advised that currently, the Town's charges for water and sewer connections are \$1,500 for each of these connections. She explained that the policy provides further that developers who would desire to master meter the dwelling units within the structure can do so, but they must pay a \$2,500 per unit availability fee for each unit above one. Vice-Mayor King noted that in the past, the developers have been able to master meter a multiple-family dwelling, which results in lost revenues for these services to the Town. She stated that reasonably, it can be assumed that the water and sewer consumption for an individual dwelling unit within a multiple-family structure places the same burden on the Town's water and sewer system as does any individual home. Vice-Mayor King remarked that in addition, by master metering, there are reduced charges for larger consumptions of water. She noted that the infrastructure, including the Water and Sewage Treatment Plants, required to serve multiple-family dwellings is the same as if those were individual dwellings on separate lots. Vice-Mayor King remarked that, therefore, the policy is reasonable and does make multiple-family dwelling units pay for their share of operating the water and sewer system. She stated that in addition, the Committee looked at other communities in the area, particularly those with higher growth rates, and found that the Town's

charges are similar in nature. Vice-Mayor King noted, therefore, that the Committee does not see any reason to revise the Town's current rate structure. She commented that the Committee would note, however, that the Town's policy also requires that the developer pay all water and sewer connection charges at the time of obtaining the Building Permit. Vice-Mayor King noted that reasonably, this is a large expense to the developer and could impose somewhat of a burden on the developer in paying all of these fees up front. She stated it would be the Committee's suggestion that the Town develop a payment plan for developers who are constructing multiple-family dwelling units. Vice-Mayor King advised that the Committee would suggest that the developer be required to pay one third of the connection charges at the time of obtaining the Building Permit, one third within six months of obtaining the Building Permit, and the final third to be paid within twelve months of obtaining the Building Permit or prior to issuance of the Certificate of Occupancy, whichever comes first. She stated that this would help the developer in spreading his cost for the water and sewer connection charges over a longer period of time. Vice-Mayor King stated, therefore, it is the recommendation of the Budget and Finance Committee that no revisions be made to the existing rate charges with regard to water and sewer connection fees for multiple-family dwellings and that the Council adopt the policy as described before with regard to making the payments for water and sewer connection charges for these multiple-family dwelling units. Mayor Crewe noted that if he understands correctly, the Council is not going to take any actions on the charges because they are set. Vice-Mayor King stated that is correct. Mayor Crewe stated the motion from the Budget and Finance Committee would be to adopt the policy setting forth the three scheduled payments. Vice-Mayor King stated that is correct. A motion was made by Vice-Mayor King and seconded by Councilman Jones that the Council develop a payment plan for developers who are constructing multiple-family dwelling units and that the developer be required to pay one third of the water and sewer connection charges at the time of obtaining the Building Permit, one third within six months of obtaining the Building Permit, and the final third to be paid within twelve months of obtaining the Building Permit or prior to issuance of the Certificate of Occupancy, whichever comes first. Mayor Crewe inquired if there is any discussion on the motion. Councilman Jones indicated that he was wondering regarding the third payment being paid within twelve months of obtaining a building permit or prior to the Certificate of Occupancy, whichever comes first. He pointed out that if it takes longer than twelve months to construct the building, he is unsure if the Council may want to state that the final payment would be made prior to the Certificate of Occupancy because if it is going to take two or three years to construct the building, the developer is going to be waiting two or three years not having an opportunity to earn any income off of the rentals or whatever the developer is going to do with the building. Councilman Jones reiterated that he thought it may be better to have the final payment prior to the issuance of the Certificate of Occupancy. Councilman Lambert noted he thinks this is a good point. Mayor Crewe stated that one Committee was discussing if the developer does not ask for a Certificate of Occupancy or they do not complete it, etc., the Town has the meters installed but does not have the water running through them. Councilman Jones inquired if the developer needs the Certificate of Occupancy in order to be able to have people live in it. Town Manager Sutherland stated that is correct. Mayor Crewe remarked that he is stating that if something happens, for example, like the Goodwin Development that did not complete the project, the meters would be installed but there is no water running through them because the developer did not finish the building of the project, but the Town has done everything and incurred all of the cost it is supposed to, but the Town would never get paid because a Certificate of Occupancy was not issued. He noted that his comment would be that if twelve months are not long enough, it could be changed to 24 months, and advised that he did not know how long it would take to build a development. Councilman Jones stated the length of construction time would be according to the number of units constructed, and noted this was the only thought he had, but advised he is not stating that this has to be changed. Mayor Crewe indicated that the other issue that the Committee discussed is if a development is being constructed in stages. He noted that if it was a two or three phase project, it would only be the first phase that a developer would have to pay to start with and inquired if that is correct. Town Manager Sutherland noted he would assume that this would be all that a developer would be trying to obtain a building permit for would be the first phase if the development was being done in phases. Vice-Mayor King inquired if this would be anything like Old Stage Crossing, and the Council knows how they started that development and stopped. Mayor Crewe noted they started Old Stage Crossing but did not finish it. Vice-Mayor King remarked that the Town may have installed the meters in a development like Old Stage Crossing, but the development never got completed, and the Town would never receive any money. Mayor Crewe explained that if this policy was in effect at the time Old Stage Crossing was being developed, the Town would have received two-thirds of its money because the Town would have received one-third payment when the building permit was issued, and the other one-third payment six months later. Vice-Mayor King noted in this scenario, since Old Stage Crossing was never completed, the Town would never have received the last payment. Mayor Crewe stated there would never have been a Certificate of Occupancy, and the way this policy is worded, the Town would have received the third payment in twelve months because twelve months would have passed before the Certificate of Occupancy was issued. Councilman Jones advised that he did not think Old Stage Crossing was master metered and inquired if that is correct because they were individual places being built. Town Manager Sutherland stated the

buildings were individually metered at Old Stage Crossing. Councilman Jones advised that he understands what is being stated, but he was trying to look at some way in which to help the developer. Vice-Mayor King noted that to her, this policy is a big help to the developer because it is better for them than not having the payment plan. She indicated that she thinks the Council should try this policy. Mayor Crewe noted that the Town is going from zero to twelve months on the building permit, which is giving them twelve additional months to start with. Councilman Weisiger advised that he would recommend to try the twelve months, and then the Council could consider this again. Mayor Crewe stated that there is no amendment to the motion, and the motion is to adopt this as proposed, which has a cutoff date of twelve months or the Certificate of Occupancy issuance and inquired if that is correct. Vice-Mayor King stated that is correct. 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 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 for the past several weeks, both Committees of the Council have heard a presentation from Director of Public Safety Albert Newberry with regard to new regulations that have been imposed under the National Incident Management Systems program. He advised that the National Incident Management Systems program, commonly referred to as NIMS, requires all federal, state, and local government agencies that have responsibilities in incident management to provide training to those responders and additionally requires that each responder be certified under the program. Councilman Lambert advised that in the Town's particular situation, the NIMS definition of responder means that the vast majority of the Town's employees, including the Town Council, will need to go through these training programs. He noted that the program requires the adoption of a resolution by the Council setting forth that the Town will establish a National Incident Management System and provide appropriate training to employees. Councilman Lambert indicated that two of the Town's employees, Albert Newberry and Sharon Hackler, have already had the required training and have both been certified in the program as trainers. He stated this means that the Town will be able to do in-house training on this program, and the certification testing is taken over the Internet. Councilman Lambert commented that in the near future, the Town will be developing schedules where employees will be able to receive the required training. He stated given that the program is required and that a resolution is required, the Committee would recommend that the attached resolution establishing a NIMS program be adopted by the Council. A motion was made by Councilman Lambert and seconded by Councilman Weisiger to adopt the resolution establishing a National Incident Management Systems program for the Town of Wytheville. 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.

Councilman Lambert also reported that at the last meeting of Council, the Town received a written inquiry from a citizen regarding the work being performed on the boundary of the West End Cemetery. He noted that the boundary of the Cemetery, which parallels West Lee Highway, has, for many years, been shielded from view with a series of hemlock trees that formed a visual block into the Cemetery. Councilman Lambert explained that over the past few years, these trees have become diseased, and most of them were dying rapidly. He noted that in a coordinated effort with Appalachian Power Company, the Town was able to get these diseased trees removed. Councilman Lambert stated the nature of the inquiry from the citizen was what type of barrier would be installed to replace the trees. He noted that currently, the Committee is looking at a number of alternatives, but thinks that for the short term, the Council should evaluate what type of boundary control, if any, should be installed. Councilman Lambert remarked that there are several options here including the possibility of not providing any boundary control, leaving the Cemetery visible from the highway. He noted that another scenario would be to install an attractive, decorative fence along the boundary. Councilman Lambert indicated that one other concept that the Committee thinks is worthwhile is to rework the columns at the entrance to the Cemetery, making it a more attractive entrance. He remarked that in any event, the Committee does not have a plan of action to suggest, but thinks that the Town should finish the tree removal process and restore the ground where the trees have been removed and then continue the assessment of how to proceed. Mayor Crewe advised that it is not necessary for the Council to take any action at this time. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: ORDINANCE NO. 1188 – BUDGET ORDINANCE

Mayor Crewe presented Ordinance No. 1188, the Budget Ordinance for Fiscal Year 2005-06, on third and final reading. He stated the Council has in their package what was proposed by the

Budget and Finance Committee. He noted the budget is before the Council on third and final reading. Mayor Crewe explained that the ordinance has now been amended to make the change made at the last meeting where the proposed machinery and tools tax increase was eliminated, and the revisions to the various departmental categories were made. He noted the appropriate motion would be, if the Council desired, to adopt and appropriate the departmental budget on third and final reading as proposed in Ordinance No. 1188. A motion was made by Vice-Mayor King and seconded by Councilman Jones to adopt and appropriate the departmental budget, Ordinance No. 1188, on third and final reading. Mayor Crewe inquired if there is any discussion on the motion. Councilman Jones inquired if this includes the amendments. Town Manager Sutherland answered that these figures include what was discussed at the Budget and Finance Committee meeting Thursday morning. Mayor Crewe noted that it includes the \$108,000 and the approximate \$1 million. Mayor Crewe inquired if there is any further 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. 1188 was adopted on third and final reading. Mayor Crewe noted that the budget would be effective July 1, 2005.

RE: ORDINANCE NO. 1190 – WIRELESS FACILITIES ORDINANCE

Mayor Crewe presented Ordinance No. 1190, an ordinance replacing Article XXII, Standards for Telecommunications Antennas and Towers of the Town of Wytheville Zoning Ordinance with a new Article XXII, Ordinance Regulating the Siting of Wireless Telecommunications Facilities, on first reading. He noted by way of information, the Council will recall at the December 13, 2004, meeting the Council adopted an interim application process that expires June 30, and now this ordinance needs to be adopted. Mayor Crewe explained that the proposal from Town staff is that the ordinance be adopted on first and final reading. He noted that it could be adopted in two readings, but it needs to be adopted by June 27, 2005, because the interim application process expires on June 30, 2005. A motion was made by Councilman Jones and seconded by Councilman Weisiger to suspend the rules and adopt Ordinance No. 1190, an ordinance replacing Article XXII, Standards for Telecommunications Antennas and Towers of the Town of Wytheville Zoning Ordinance with a new Article XXII, Ordinance Regulating the Siting of Wireless Telecommunications Facilities, 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. 1190 was adopted on first and final reading.

RE: APPOINTMENT – SMYTH-WYTHE AIRPORT COMMISSION

Mayor Crewe stated the next agenda item is notification of an appointment of a member to the Smyth-Wythe Airport Commission to fill the expiring term of Mr. Donald Elmore whose term expires June 30, 2005. He noted that the Council will recall that Mr. Mike Grady resigned from the Airport Commission, and the Council appointed Mr. Don Elmore for the remainder of Mr. Grady's term, which expires June 30. Mayor Crewe explained that the Council can wait until the next meeting, or they can make the appointment at this meeting. A motion was made by Vice-Mayor King to reappoint Mr. Don Elmore to the Smyth-Wythe Airport Commission. Councilman Weisiger inquired if Mr. Elmore is willing to serve. Councilman Lambert stated that he has talked to Mr. Elmore, and he has indicated that he is willing to be reappointed. 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: PLANNING COMMISSION RECOMMENDATION – QUINTON HEIGHTS SUBDIVISION

Mayor Crewe stated the next agenda item is to consider the recommendation of the Planning Commission regarding a request of Quinton Homes, LLC for preliminary sketch approval of the 1 subdivision of property located on the north side of Holston Road between Cove Road and Van Mar Drive in an A-1 Agricultural District (Quinton Heights Subdivision). He stated this does not require any action by the Town Council, but it is being presented to the Council for their information and comments. Mayor Crewe noted he is not suggesting that Mr. Mark Boenke has to address the Council, but if he desires, the Council would be happy to hear from him.

Mr. Mark Boenke noted that he is with Pillar Engineering and Surveying. He stated that Pillar Engineering has been hired by Quinton Homes to do the engineering and layout of this subdivision. Mr. Boenke remarked that he is attending the meeting for three purposes with one being to brief the Council and answer any questions they may have in regard to the subdivision. He noted that secondly, he is attending the meeting to ask the Council for a variance of the curb and gutter requirement of the Subdivision Ordinance, and, lastly, to receive input to see if the Town Council, in its sole discretion, would cooperate with the subdivider in providing sewage pump stations and to what extent the cooperation would be handled. Mr. Boenke indicated that for Item #1, he does not know if any of the Council members are familiar with the layout of the subdivision, but it is approximately 51 lots that will be made. He stated that the property's location is east of Asbury Place, and south of Wytheview Drive, and noted it actually abuts Wytheview Drive in one section. Mayor Crewe indicated that the Council received a copy of the application that was filed, and there was a copy of the preliminary sketch in the Council packet. Mr. Boenke remarked that with the existing terrain, they are doing a "shotgun" approach for the percolation. He stated there is no sanitary sewer available on these lots, so they are testing a couple of the lots to see what the extent of percolation in putting in a couple of septic systems will be. Mr. Boenke indicated that there is some indication and concern on their part that about one-third of the lots will not be able to perk, at which they would like to put in some type of sanitary sewage system with a pump station that would pump back up to the manhole that is in front of Asbury Place. He explained that these lots will be serviced by Town water. Mr. Boenke remarked that he would like to bring to the Council's attention Lots 24 and 25. He stated they did not have enough time before the submittal process to do the deed research to see if, and how far and to what extent, the gas line in the right of way encroaches on those lots. Mr. Boenke remarked that they have an indication that there is some encroachment on those two lots at the northern end, and they are tasked from the Planning Commission to resolve this in one of their staff comments. He noted that Phase I and Phase II are more there for construction, selling of the lots, and the actual build out, and they want to sell the first eight lots in the front that border Holston Road before actually constructing the road that would go into the remaining lots. Mr. Boenke inquired if there are any questions of the Council. Councilman Weisiger noted if there is the possibility of working out the sewer, if they are still going to connect sewer to all of the lots or just the ones that will not perk. Mr. Boenke remarked that this would become something that would have to be talked about to see what extent the availability and the funding would be. He indicated that he does not know, but at one time, there was a preliminary engineering report done to do a pump station near the vicinity of Cove Road and Wytheview Drive, and he does not know if that would play into this now or not. Mr. Boenke advised that at the Planning Commission meeting, they were notified that Asbury Place was wishing to do some more building of cottages below their sewer elevations as well, and they were putting in a pump station, so they have not been able to contact them since the last meeting to determine if there could be a joint venture with them. Mayor Crewe pointed out that it would save everyone some money if there could be a joint venture. Mr. Boenke noted the idea is to try to save money and not disrupt other plans that the Council may have. Mayor Crewe inquired if there are any questions. Mr. Boenke advised that this will be a combination of low impact development and traditional stormwater management. He remarked that this is one of the reasons for the request of waiving the curb and gutter because on the northern end of the subdivision, they plan to use a combination of an infiltration trench and underground storage to handle the runoff from the roofs and the road. Mr. Boenke explained that on the eastern and southern portion of the subdivision, because of the natural valley terrain that is there and the springs on Lot 30, which is the same lot for the proposed pump station, will be a stormwater detention area that would hold the water and release it at the one-year rate. He stated the second topic is to ask the Council for a variance to the Subdivision Ordinance, Section 5-22.4 in regard to curb and gutter on both sides of the street. Mayor Crewe indicated that any Council member can comment at any time, but the Council will consider this, but it is too preliminary to make a final decision. He pointed out that the Town has the one low impact development that, hopefully, is going to work, and the Town would be amenable to considering the request. Mayor Crewe advised that he did not think Mr. Boenke will be able to leave the meeting with a special exception granted, and they would need to file the application and go through all of that, but if he is missing something, the Council members can tell him. He stated he thinks the Council would be more than happy to consider this request. Town Manager Sutherland noted that Mr. Boenke's point is he probably needs some type of indication because it will change his entire design. Mr. Boenke stated that is correct. Councilman Jones pointed out that the Planning Commission did not have any

problems with the request for the waiver of curb and gutter. Councilman Weisiger noted that the Council has done this before, and he is in favor of this concept rather than curb and gutter. Mayor Crewe remarked that the feedback the Council could give Mr. Boenke is that there is no one currently sitting on Council that is totally opposed to the low impact development, which is probably what is driving all of this. He noted that the Council has not heard it before, and they all have gone to school and learned a lot more about it, and they would be willing to try it, and advised that this is what he thinks he hears everyone stating. Mr. Boenke inquired if he could move forward on the design without the curb and gutter. Mayor Crewe stated that is correct, unless he is missing something. Mr. Lambert inquired if there would be any part of the development, because of steepness, that curb and gutter might serve well. Mr. Boenke answered that the portion that is steep, according to the topographic that the Council has before them, where the road is going down, this portion is going to be filled in order to achieve a proper maximum slope that the Virginia Department of Transportation provides for roads. He noted that for the curb and guttering, he does not believe that the steepness is a factor in whether to have curb or guttering. Mr. Boenke explained that the curb and guttering is more to channel and gather and collect the water and prevent it from sheet flowing across the terrain. He noted that anytime the water is gathered and collected, there is more of it at a higher velocity, and where it outlets is where the problem is going to be. He inquired if this answered Councilman Lambert's question. Councilman Lambert stated he understands. Mayor Crewe inquired if this gives Mr. Boenke enough information for the answers he needed. Mr. Boenke stated that is correct. He noted the third comment is regarding the Council's willingness for sewage service. Mr. Boenke remarked that they would like to know the Council's thoughts on this, and advised that they do not need to receive an answer on this at this meeting. Mayor Crewe inquired if Mr. Boenke is asking if the Town would contribute toward a pump station including the cost, etc. Mr. Boenke stated that is correct. Mayor Crewe noted that it depends on how everything works out. He stated that, obviously, there will need to be a pump station for whatever Asbury Place is going to do, and there will need to be a pump station for this subdivision. He stated if one pump station would work for everyone, it should work out for everyone. He advised that he thinks the Council, from past experience, would be more than happy to consider anything that would work. Mayor Crewe stated it depends on how much money and when, but the Council cannot give Mr. Boenke a definitive answer, but the Council would be willing to consider this. Mr. Boenke indicated that in the Wytheview subdivision, there is a 50-foot right of way, and they are not sure exactly, and the plat did not call for it, and they did not have time to do the deed research, and he does not know if the 50-foot right of way is a street right of way, if it is a drainage utility easement right of way, or if that is the gas right of way. He stated this would be one avenue of trying to use the easement if the pump station would go down near the Cove Road/Wytheview intersection. Mr. Boenke noted that it could tag along that same utility, but, there, again, with the gas line, he does not know what their covenants are on their restrictions of rights of way. He reiterated that they have not done this yet, but they are going to do the deed research and find the information. Mayor Crewe thanked Mr. Boenke for his comments.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (8:00 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

BUDGET AND FINANCE COMMITTEE REPORT

JUNE 13, 2005

1. Later this evening, the Council will consider, on third and final reading, the adoption of the budget for the Town of Wytheville for fiscal year 2005-2006. As we have noted in previous discussions, the budget as it is currently drafted has relatively few capital outlay projects in it. As we have continued to review requested budget items, there are a number of projects on both the General Fund side and the Water and Sewer Fund side that have been suggested for inclusion in the upcoming budget. On the General Fund side, there have been four items (an increase in paving funds, funding the purchase of a pickup truck, construction of a storage shed, and the purchase of a loader) with a total value of \$108,000 that have been suggested to be an amendment to the budget as it is drafted. The General Fund side of the budget as it is currently drafted is balanced, and, therefore, inclusion of these capital outlay items would require that this \$108,000 be taken from reserve funds. On the Water and Sewer Fund side of the budget, there are a number of projects, including water and sewer line construction projects and improvements to the Water and Sewer Treatment Plants, whose total value equals \$962,000. If the budget, as drafted, includes an amendment to add these capital outlay projects, it will necessarily require a loan of equal value from the General Fund side of the budget to be transferred to the Water and Sewer Fund side. Later this evening, when the budget is considered, and if these amendments are offered, we would note that it is our intent that the projects that have been identified and, if funded, are to be completed within the next budget cycle.

2. At the last meeting of Council, several local developers made an inquiry regarding the Town's water and sewer connection fees for multiple-family dwellings. In December of last year, the Town adopted a new fee schedule for multiple-family dwelling utility connections requiring that each dwelling unit within the multiple-family structure have its own individual water and sewer connection. Currently, the Town's charges for water and sewer connections are \$1,500 for each of these connections. The policy provides further that developers who would desire to master meter the dwelling units within the structure can do so, but they must pay a \$2,500 per unit availability fee for each unit above one. In the past, the developers have been able to master meter a multiple-family dwelling, which results in lost revenues for these services to the Town. Reasonably, it can be assumed that the water and sewer consumption for an individual dwelling unit within a multiple-family structure places the same burden on the Town's water and sewer system as does any individual home. In addition, by master metering, there are reduced charges for larger consumptions of water. The infrastructure, including the Water and Sewage Treatment Plants, required to serve multiple-family dwellings is the same as if those were individual dwellings on separate lots. Therefore, the policy is reasonable and does make multiple-family dwelling units pay their fair share of operating the water and sewer system. In addition, we looked at other communities in our area, particularly those with higher growth rates, and found that our charges are similar in nature. Therefore, we do not see any reason to revise our current rate structure. We would note, however, that the Town's policy also requires that the developer pay all water and sewer connection charges at the time of obtaining the Building Permit.

Reasonably, this is a large expense to the developer and could impose somewhat of a burden on the developer in paying all of these fees up front. It would be our suggestion that we develop a payment plan for developers who are constructing multiple-family dwelling units. We would suggest that the developer be required to pay one third of the connection charges at the time of obtaining the Building Permit, one third within six months of obtaining the Building Permit, and the final third to be paid within twelve months of obtaining the Building Permit or prior to issuance of the Certificate of Occupancy, whichever comes first. This would help the developer in spreading his cost for the water and sewer connection charges over a longer period of time. Therefore, it is the recommendation of the Budget and Finance Committee that no revisions be made to the existing rate charges with regard to water and sewer connection fees for multiple-family dwellings and that we adopt the policy as described before with regard to making the payments for water and sewer connection charges for these multiple-family dwelling units.

Jacqueline K. King

John W. Jones, Jr.

PUBLIC WORKS COMMITTEE REPORT

JUNE 13, 2005

1. For the past several weeks, both Committees of the Council have heard a presentation from Director of Public Safety Albert Newberry with regard to new regulations that have been imposed under the National Incident Management Systems program. The National Incident Management Systems program, commonly referred to as NIMS, requires all federal, state, and local governmental agencies who have responsibilities in incident management to provide training to those responders and additionally requires that each responder be certified under the program. In our particular situation, the NIMS definition of responder means that the vast majority of the Town's employees, including the Town Council, will need to go through these training programs. The program requires the adoption of a resolution by the Council setting forth that we will establish a National Incident Management System and provide appropriate training to employees. Two of the Town's employees, Albert Newberry and Sharon Hackler, have already had the required training and have both been certified in the program as trainers. This means that we will be able to do in-house training on this program, and the certification testing is taken over the Internet. In the near future, we will be developing schedules where employees will be able to receive the required training. Given that the program is required and that a resolution is required, we would recommend that the attached resolution establishing the NIMS program be adopted by the Council.
2. At the last meeting of Council, we received a written inquiry from a citizen regarding the

work being performed on the boundary of the West End Cemetery. The boundary of the Cemetery, which parallels West Lee Highway, has, for many years, been shielded from view with a series of hemlock trees that formed a visual block into the Cemetery. Over the past few years, these trees have become diseased, and most of them were dying rapidly. In a coordinated effort with Appalachian Power Company, we were able to get these diseased trees removed. The nature of the inquiry from the citizen was what type of barrier would be installed to replace the trees. Currently, we are looking at a number of alternatives, but think that for the short term, we should evaluate what type of boundary control, if any, should be installed. There are several options here including the possibility of not providing any boundary control, leaving the Cemetery visible from the highway. Another scenario would be to install an attractive, decorative fence along the boundary. One other concept that we think is worthwhile is to rework the columns at the entrance to the Cemetery, making it a more attractive entrance. In any event, we do not have a plan of action to suggest, but think that we should finish the tree removal process and restore the ground where the trees have been removed and then continue our assessment of how to proceed.

William B. Weisiger

H. Judson Lambert