

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, SEPTEMBER 26, 2005, AT 7:00 P.M.**

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

Members absent: Trenton G. Crewe, Jr.

Others present: Assistant Town Manager Stephen A. Moore, Chief Deputy Clerk Sharon G. Corvin, Town Attorney Robert P. Kaase, Police Officer Chris Irvin, Justin Harmon with Wytheville Enterprise, Agnes Eades

**RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE**

In the absence of Mayor Crewe, Vice-Mayor King 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**

Vice-Mayor King presented the consent agenda consisting of the minutes of the regular meeting of September 12, 2005, and the special meeting of September 15, 2005, and the request of HOPE Ministries for waiver of fee for use of the Elizabeth Brown Memorial Park for a fundraiser. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to approve the consent agenda consisting of the minutes of the regular meeting of September 12, 2005, and the special meeting of September 15, 2005, and the request of HOPE Ministries for waiver of fee for use of the Elizabeth Brown Memorial Park for a fundraiser. Vice-Mayor King 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: Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

**RE: CITIZENS' PERIOD**

Vice-Mayor King inquired if there are persons present who wish to address the Council during Citizens' Period. There being none, she proceeded with the agenda.

**RE: OLD BUSINESS**

Under Old Business, Assistant Town Manager Moore reported the following:

1. The Council was given, at this meeting, a plat of the Deerfield Subdivision with the proposed names of the streets. The Town Council and the Planning Commission have reviewed the plat, and Town staff wanted to confirm that these are the appropriate names for the streets, and that Town Council would like to name the streets "Deerfield Lane" and "Frederick Lane." Councilman Jones advised that if the Public Works Committee finds these names acceptable, it is acceptable with him. A motion was made by Councilman Weisiger and seconded by Councilman Jones to approve the street names of "Deerfield Lane" and "Frederick Lane" for the Deerfield Subdivision. Vice-Mayor King 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: Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

**RE: BUDGET AND FINANCE COMMITTEE REPORT**

Councilman Jones, reporting for the Budget and Finance Committee, reported that at their meeting on Thursday morning, Mr. William Smith was present to express his concerns about the Town's policy with regard to water and sewer connection charges for multiple family dwellings. He explained that the Town's policy concerning water and sewer connection charges for multiple family dwellings was amended in December of 2004. Councilman Jones stated that the policy, as it currently exists, requires that each dwelling unit within the multiple family structure have its own individual water and sewer connection. He advised that currently, the Town's charges for water and sewer connections are \$1,500 for each of these connections. Councilman Jones remarked that the current policy also provides 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 for water and for sewer. He stated that prior to the implementation of the current policy, developers were able to master meter a multiple family dwelling, which resulted in lost revenues for these services to the Town. Councilman Jones

indicated that the Budget and Finance Committee reviewed this matter in June of this year and recommended that the policy, as it exists, not be amended. He noted that they did, in June, however, note that the policy be revised to the extent that it would permit the developer to pay the connection fees over a period of time not exceeding one year or the issuance of a Certificate of Occupancy. Councilman Jones noted that after discussing the matter with Mr. Smith, the Committee agreed that they would again review the information that they have previously reviewed. He stated the Committee is not, at this time, suggesting that changes be made, but they are willing to investigate the inquiry once again in an effort to find an equitable solution for both the Town and apartment complex developers.

Councilman Jones also reported that during the 2005 session of the General Assembly, the Department of Taxation was requested to study the use of tax stamps by Virginia's localities as evidence of the payment of local cigarette taxes by wholesalers to determine whether a single stamp could be issued for evidence that both state and local taxes have been paid. He explained that currently, localities that impose a cigarette tax have their own stamps or other marking mechanism that provides proof that the local taxation has been paid. Councilman Jones advised that the nature of the joint resolution would be to authorize the Department of Taxation to take over the administration and collection of all local cigarette taxes. He stated the concept of the state administering and collecting cigarette taxes raises a number of serious questions with regard to how this system would work, but, more importantly, it sets the stage for the state to usurp one more form of local taxation. Councilman Jones noted the Committee does not believe that any revisions are needed with regard to the collection of cigarette taxes and would suggest that the Council give notice of its opposition to all of the members of the Virginia General Assembly who serve on the study commission. Vice-Mayor King requested Assistant Town Manager Moore to make note that the Council will contact the Virginia General Assembly. Councilman Lambert inquired if it would be a letter from the Town Manager. Councilman Lambert and Vice-Mayor King noted it would probably be a letter from Mayor Crewe. 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, stated that for many months, the New River Regional Water Authority has considered various drafts of documents that are to be adopted by the three participating jurisdictions that will establish the financial framework under which the Authority can construct and operate the new water treatment plant. He stated that the Authority gave notice to the three participating jurisdictions (Wythe County, Carroll County, and Wytheville) of the amount of funding that is projected to be expended during the current fiscal year. Councilman Lambert advised that the Authority currently has under contract an engineering firm, which is doing the design work for the new treatment facility. He stated that other expenses that are being incurred include legal expenses for the acquisition of land. Councilman Lambert noted that finally, and assuming that a loan is obtained later this fall, there will necessarily be certain expenses with repaying these loan proceeds. Councilman Lambert advised that the total amount to be expended by the Authority has been prorated depending on the localities' projected consumption of water from the new facility. He noted that Wytheville's projected share for fiscal year 2005-06 is \$386,169. Councilman Lambert stated that under the user agreement that is being developed among the three jurisdictions, it requires that participating jurisdictions either note by way of resolution their commitment to fund the Authority, or actually appropriate funds within the jurisdiction's annual budget. He explained that during the Town's budget development process, it was unknown what expenses might actually be incurred, and, therefore, no specific funding was included in the current year's budget, though the Town has been paying its share of the Authority's expenses as they have come due. Councilman Lambert stated that later in the meeting, the Council will consider a resolution that expresses the Council's intent to meet its share of the financial expenditures of the Authority. He advised that it would be the recommendation of the Public Works Committee that this resolution be adopted when it is considered.

Councilman Lambert also reported that the Town has received a request for the naming of a private street in the Margaret Bird Estate Subdivision that is located on the east side of Old Cove Road. He noted that this subdivision was created prior to being annexed into the town, and, as such, the street has remained in private ownership, though there were existing lots of record on which homes could be constructed. Councilman Lambert advised that currently, a new home is being constructed on one of these lots, and the owner has requested that the street be named merely as a matter of having a useable address. He noted it was suggested by this owner that this portion of private roadway be named Great Oaks Road. Councilman Lambert remarked that the naming of this private roadway in no way indicates that the Town will perform any type of maintenance or other municipal activities on this private land. He advised that this naming of the roadway is merely a matter of convenience for the new home owner.

Councilman Lambert stated it would be the recommendation of the Public Works Committee that the street name suggested for the Bird Estate Subdivision be approved. A motion was made by Councilman Lambert and seconded by Councilman Weisiger that the private roadway in the Margaret Bird Estate Subdivision be named "Great Oaks Road." Vice-Mayor King 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: Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None. Vice-Mayor King inquired as to the location of the house on this road. Assistant Town Manager Moore explained that the house is located on the road that is up a little from Old Cove Road and it turns up what will be Great Oaks Road. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

**RE: RESOLUTION – NEW RIVER REGIONAL WATER AUTHORITY**

Vice-Mayor King stated the next agenda item is the consideration of a resolution regarding the Town committing to appropriate its proportionate share to the New River Regional Water Authority. A motion was made by Councilman Jones and seconded by Councilman Weisiger to adopt the resolution regarding the Town committing to appropriate its proportionate share to the New River Regional Water Authority. Vice-Mayor King 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: Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None. Councilman Lambert advised that because of the timing of repayment for principal and so forth with this outlay for this fiscal year, it will probably not be as great as indicated by the resolution.

**RE: ADJOURNMENT**

Vice-Mayor King inquired if Ms. Agnes Eades desired to address the Town Council. Ms. Eades declined to speak. There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:12 p.m.).

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Jacqueline K. King, Vice-Mayor

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Sharon G. Corvin, Chief Deputy Clerk

## **BUDGET AND FINANCE COMMITTEE REPORT**

**SEPTEMBER 26, 2005**

1. At our meeting on Thursday morning, Mr. William Smith was present to express his concerns about the Town's policy with regard to water and sewer connection charges for multiple family dwellings. The Town's policy concerning water and sewer connection charges for multiple family dwellings was amended in December of 2004. The policy, as it currently exists, requires 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 current policy also provides 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 for water and for sewer. Prior to the implementation of the current policy, developers were able to master meter a multiple family dwelling, which resulted in lost revenues for these services to the Town.

Our Committee reviewed this matter in June of this year and recommended that the policy, as it exists, not be amended. We did, in June, however, note that the policy be revised to the extent that it would permit the developer to pay the connection fees over a period of time not exceeding one year or the issuance of a Certificate of Occupancy.

After discussing the matter with Mr. Smith, we agreed that we would again review the information that we had previously reviewed. We are not, at this time, suggesting that

changes be made, but we are willing to investigate the inquiry once again in an effort to find an equitable solution for both the Town and apartment complex developers.

2. During the 2005 session of the General Assembly, the Department of Taxation was requested to study the use of tax stamps by Virginia's localities as evidence of the payment of local cigarette taxes by wholesalers to determine whether a single stamp could be issued for evidence that both state and local taxes have been paid. Currently, localities that impose a cigarette tax have their own stamps or other marking mechanism that provides proof that the local taxation has been paid. The nature of the joint resolution would be to authorize the Department of Taxation to take over the administration and collection of all local cigarette taxes. The concept of the state administering and collecting cigarette taxes raises a number of serious questions with regard to how this system would work, but, more importantly, it sets the stage for the state to usurp one more form of local taxation. We do not believe that any revisions are needed with regard to the collection of cigarette taxes and would suggest that we give notice of our opposition to all of the members of the Virginia General Assembly who serve on the study commission.

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Jacqueline K. King

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John W. Jones, Jr.

## **PUBLIC WORKS COMMITTEE REPORT**

**SEPTEMBER 26, 2005**

1. For many months, the New River Regional Water Authority has considered various drafts of documents that are to be adopted by the three participating jurisdictions that will establish the financial framework under which the Authority can construct and operate the new water treatment plant. The Authority gave notice to the three participating jurisdictions (Wythe County, Carroll County, and Wytheville) of the amount of funding that is projected to be expended during the current fiscal year. The Authority currently has under contract an engineering firm, which is doing the design work for the new treatment facility. Other expenses that are being incurred include legal expenses for the acquisition of land. Finally, and assuming that a loan is obtained later this fall, there will necessarily be certain expenses with repaying these loan proceeds. The total amount to be expended by the Authority has been prorated depending on the localities' projected consumption of water from the new facility. Wytheville's projected share for fiscal year 2005-06 is \$386,169. Under the user agreement that is being developed among the three jurisdictions, it requires that participating jurisdictions either note by way of resolution their commitment to fund the Authority, or actually appropriate funds within the jurisdiction's annual budget. During our budget development process, it was unknown what expenses might actually be incurred, and, therefore, no specific funding was included in the current year's budget, though we have been paying our share of the Authority's expenses as they have come due.

Later this evening, the Council will consider a resolution that expresses our intent to meet our share of the financial expenditures of the Authority. It would be the recommendation of the Public Works Committee that this resolution be adopted when it is considered.

2. We have received a request for the naming of a private street in the Margaret Bird Estate Subdivision that is located on the east side of Old Cove Road. This subdivision was created prior to being annexed into the town, and, as such, the street has remained in private ownership, though there were existing lots of record on which homes could be constructed. Currently, a new home is being constructed on one of these lots, and the owner has requested that the street be named merely as a matter of having a useable address. It was suggested by this owner that this portion of private roadway be named Great Oaks Road. The naming of this private roadway in no way indicates that the Town will perform any type of maintenance or other municipal activities on this private land. This naming of the roadway is merely a matter of convenience for the new home owner.

It would be the recommendation of the Public Works Committee that the street name suggested for the Bird Estate Subdivision be approved.

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William B. Weisiger

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H. Judson Lambert