

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

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

Members absent: John W. Jones, Jr.

Others present: Town Manager C. Wayne Sutherland, Jr., Town Clerk Sharon P. Hackler, Police Officer Chris Irvin, Justin Harmon with Wytheville Enterprise, 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 Lambert followed by the Pledge of Allegiance led by Vice-Mayor King.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of September 26, 2005, and the request of the Wythe Arts Council for waiver of fee for use of the Elizabeth Brown Memorial Park on October 29, 2005, for a fundraiser. He advised the Council will note that the Wythe Arts Council request does not meet the criteria. Mayor Crewe inquired as to the pleasure of the Council and if they would like to take the request off and consider it separately or both together. A motion was made by Councilman Weisiger to approve the minutes of the September 26, 2005, meeting and to consider the Wythe Arts Council request separately. The motion was seconded by Vice-Mayor King. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jacqueline K. King, William B. Weisiger, H. Judson Lambert. Against: None.

RE: WYTHE ARTS COUNCIL WAIVER OF FEE REQUEST

Mayor Crewe advised that the Council will note that the Wythe Arts Council fees are \$374.00. He explained that he is not exactly sure what this fundraiser is going to be, but the reason it did not qualify is because they will have alcohol for sale, if he read it correctly. Councilman Weisiger stated his first inclination is not to approve it, and advised he does not feel that the Council should donate the cost back to them. Mayor Crewe stated the Council donates the fees and waives the fees for Chautauqua. Vice-Mayor King stated she agreed and inquired if the Wythe Arts Council has done this before, and noted she could not remember. Town Manager Sutherland advised that he is unsure of what the Wythe Arts Council is doing. Mayor Crewe pointed out that it is not the Wine and Cheese Festival. Vice-Mayor King noted the application does not state what they are doing. Mayor Crewe remarked that he read this, and all it states is a fundraiser. Councilman Weisiger advised that possibly it is something new. Vice-Mayor King noted that it states it is a Chautauqua fundraiser. Mayor Crewe remarked that it noted that alcohol will be served, but it does not state it will be for sale, but noted that alcohol will be served. Vice-Mayor King stated that the time in is 2:00 p.m. and time out is 8:00 p.m., with 200 people. Mayor Crewe noted that is correct. Vice-Mayor King indicated that possibly the Council needs more information. Councilman Lambert advised that they have had an appreciation function in the past. Town Manager Sutherland stated that is correct. Councilman Lambert noted that this may be what this is. Mayor Crewe advised that this could be correct. Vice-Mayor King pointed out that it does not say this. Councilman Lambert noted that is correct. Mayor Crewe indicated that he guesses the way he is reading the Council is that no one is making a motion to grant the request to waive the fees, and noted he did not hear any motion to make a donation. He advised that he guesses unless someone makes a motion, the Council will proceed. Vice-Mayor King stated that is a good idea. Councilman Weisiger indicated that unless someone feels strongly that the Council should do something, possibly someone should come before the Council to talk to them about this request. Vice-Mayor King advised that the Wythe Arts Council should have given Crystal Hylton or Director of Parks and Recreation Rick Showalter more information on the request. Mayor Crewe stated that since he does not hear any motions, he will proceed.

Mayor Crewe advised that he is going to skip to Old Business and go through a couple of quick things on the agenda first.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. What is known as the Lot 31 Water Project, which is the water line being extended from a point near the Edgemont Center eastwardly into Progress Park is well underway. The contractor is now approaching Reed Creek on Chapman Road. They have, in fact, installed the water line beneath Interstate 81. The project, in its total, is about 20 percent completed, so the contractor is making very good time, and, certainly, this is good because the target date for the entire opening of the Gatorade facility is March. Just as a side note, if the Council has not been down there, they should go view the property. Town Manager Sutherland stated he rode down there this afternoon, and remarked that he would guess there are 125,000 or 130,000 square feet of building under roof. He noted it is worth the trip. He remarked that the Council will recall the last time they were there, the contractors were working down on the left hand side, and now, all this is under roof. Town Manager Sutherland explained that they have excavated from there a long way. Councilman Weisiger inquired as to which way Town Manager Sutherland went in. Town Manager Sutherland advised that he went in from the Peppers Ferry Road side. Vice-Mayor King inquired if a person can get through. Town Manager Sutherland advised that a person cannot get through. Town Manager Sutherland advised that if someone goes down behind Wytheville Technologies, Incorporated, he/she can view the property. He summarized that it is quite fascinating. Mayor Crewe stated that two days ago, when they were out there, they only had one wall up. Town Manager Sutherland noted that they had just started setting the wall, and now, this whole thing is enclosed, and the roof structure is on it.
2. On East Main Street, today, the Council probably saw that there is equipment and pipe on the Community College property. This waterline that is going to serve Cassell Road and the Cassell Pines Project by the Housing Authority and all of Cassell Road is now underway.
3. The force main that began on Railroad Avenue and 20th Street is progressing relatively well. The contractor is working hard, and he is currently working in solid rock. This project may take a little longer than the Town thought. It will correct a bad situation in this area.
4. Mayor Crewe noted he has an item for informational purposes, and stated he does not think it requires the action of Council, although they could if they wanted to. In the discussions, if the Council recalls, the Town had a Community Development Block Grant to do more planning on the gas station, the Great Lakes to Florida museum. Along with that, this was one of the issues the Town was pressing to get the agreement with the Jacksons written so there was something in writing as to the ownership. They have asked in that memorandum, which is 30+ pages, with about 40 pages of exhibits, that it provides for a memo of understanding to be recorded rather than the entire thing. The Virginia Department of Transportation has now raised the question that the Town needs to have something recorded. In consultation with the Jacksons' attorney, Town Attorney Robert Kaase, and Director of Museums Frances Emerson, he has come up with a one page document that basically states this is what they agreed to, and it is now available, and if someone wants to find out more, he/she can come to the Town Office to read it. Mayor Crewe indicated that he had it prepared for Town Manager Sutherland to sign and Town Clerk Hackler to attest, which is the normal way the Town does things. He advised that unless someone has a problem, he thinks he would simply submit it. The Virginia Department of Transportation has reviewed this and noted it is acceptable to them according to Director of Museums Emerson, and it meets VDOT's concerns. It is a two-page document, with one page being a signature page that would be put on record. Mayor Crewe advised that unless someone objects, he would propose that the Council submit this. He noted that Director of Museums Emerson will need to see this when it is finished because she will need to take it to the Courthouse to have it recorded, and she will need an attestation, certified copy, or something for VDOT's records. He advised that he thinks this matter fits under Old Business.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, reported that earlier this year, the Town was given notice of an award of grant funds from the Appalachian Regional Commission to be used for planning activities associated with the development of a regional artisans center. She noted that the \$50,000 grant is to be used to evaluate matters associated with the development of the center such as the economic impact, the number of artisans in the

area who would participate, the type of facility that would house the artisans, and the development of operational plans for such a center. Vice-Mayor King explained that the development of this master plan will necessarily require employment of consultants who have expertise in these areas. She noted that before proceeding to procure these services through private entities, three institutions of higher learning in Virginia were contacted. Vice-Mayor King remarked that all three of these facilities have the expertise needed to perform this study, though only one, Virginia Tech, was desirous of performing the work. She stated that by contracting with an institution of higher learning in Virginia, state law exempts this contractual arrangement from going through the procurement process. Vice-Mayor King noted, however, for the purposes of grant compliance documentation, it will be necessary for the Council to authorize this contract with Virginia Tech. She advised, therefore, it would be the recommendation of the Budget and Finance Committee that the Council authorize the Town Manager to enter a contractual agreement with Virginia Tech for the sum of \$17,000 to provide the Town with the information and analysis as required by the grant. Mayor Crewe stated that this comes from the Committee and does not need a second. He noted they talked about it Thursday in the Budget and Finance Committee meeting. Mayor Crewe remarked that he thinks how this motion should be phrased is the Town has to track the language in the ordinance about public services, personal services, and professional services. He noted that in advance, there is a determination that must be in the best interest, and that is the language he thinks that needs to be included in this motion. Town Manager Sutherland remarked that the Town talked to Mr. Todd Christensen and others in Richmond, and they agree that contracting with a State agency does not need to be procured, so it would not even be considered a professional service or any other kind of service. Mayor Crewe inquired if the Town could get that in writing from them. Town Manager Sutherland indicated that the Town could probably receive this in writing from Mr. Todd Christensen. Mayor Crewe advised that he wanted to ensure that the Town does not leave anything incomplete or uncovered. Town Manager Sutherland noted that the Town will see if Mr. Christensen will give this to the Town in writing. Mayor Crewe advised that the motion from the Budget and Finance Committee is that in accordance with the Town's ordinance and the recommendation from Mr. Todd Christensen and the Department of Housing and Community Development that the Council authorize the Town Manager to enter into a contractual agreement with Virginia Tech for \$17,000 to provide this information. He inquired if there is any other discussion on the motion. Town Manager Sutherland stated he will not execute the agreement until the Town receives Mr. Christensen's concurrence that he is happy with this. Vice-Mayor King advised that this is acceptable. Mayor Crewe noted he wants to make sure the Town does not do something it should not do. He inquired if there is any other discussion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, H. Judson Lambert. Against: None.

Vice-Mayor King also reported that at a recent Committee meeting, they had a discussion with a local developer regarding the charges for water and sewer connections for multiple family dwellings. She noted that as the Council is aware, the Town's policies with regard to connection fees for multiple family dwellings were revised in December of 2004. Vice-Mayor King noted that at the request of the developers, the Committee reviewed this topic and made a report to the Council on June 13 of this year noting that they thought the charges that had been adopted in December were reasonable. She remarked that in June, the Committee acknowledged that it may be helpful for developers to have the opportunity to pay these fees over some period of time rather than paying all the fees prior to obtaining the building permit. Vice-Mayor King advised that at that time, the Committee suggested that one-third of the connection charges be paid at the time of obtaining the building permit, with one-third being paid 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 the issuance of the Certificate of Occupancy, whichever comes first. She noted that the Committee does acknowledge that some of these projects are rather large and may well take longer than one year to construct, and would recommend to the Council that they amend the policy only to the extent that they allow the developer to pay one-fourth of the connection charge at the time of the building permit with the opportunity to make three subsequent payments within an eighteenth month period or the issuance of the Certificate of Occupancy, whichever comes first. She explained that this revision would help the developer in spreading his costs 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 previously discussed giving the developer up to eighteenth months to pay the applicable charges. Mayor Crewe noted that the motion would be basically to change it to four payments from three payments, but leave the amounts the same. Vice-Mayor King noted that is correct. Mayor Crewe inquired if there is any discussion on the motion. Councilman Lambert indicated that it would extend from 12 months to 18 months the time to pay. Vice-Mayor King and Mayor Crewe noted that is correct. Mayor Crewe inquired if there is any other discussion. There being

none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, H. Judson Lambert. Against: None. A copy of the Budget and Finance Committee report is attached and made part of these minutes. [Attachment](#).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Weisiger, reporting for the Public Works Committee, stated that several weeks ago, the Committee was asked to review an inquiry from residents on Holston Road regarding the reduction of the speed limit and the installation of signs prohibiting through trucks on this section of roadway. He advised at that time, the Committee deferred action pending receipt of comments from residents along this section of roadway. Councilman Weisiger noted that the Town did, in fact, receive comments from several citizens who noted that large trucks that were traveling on Holston Road presented certain safety problems, and, additionally, that these large commercial vehicles should not be traversing a residential neighborhood. He stated the Committee agrees that Holston Road is not suitable for tractor-trailers and other large vehicles to use as a shortcut between Exit 41 on Interstate 77 and Exit 70 on Interstate 81. Councilman Weisiger advised that the other half of the inquiry was in regard to the speed limit along this section of roadway. He stated that currently, the roadway is posted at thirty-five miles per hour. He explained that given the geometrics of this section of roadway, the Committee does not think that a reduction of the speed limit is warranted. Councilman Weisiger pointed out that thirty-five miles per hour seems to be a reasonable speed limit. He stated, therefore, it is the recommendation of the Public Works Committee that the Town install signs prohibiting through trucks from using Holston Road and that no amendments be made to the existing speed limit. Mayor Crewe advised that unless someone objects to this, this would be the recommendation that would be acted upon and the Town would install no through truck signs but not change the speed limit. He noted that hearing no objection, this will be the recommendation of the Public Works Committee that will be followed up by staff. Councilman Weisiger inquired if the Town will monitor the traffic on this road. Town Manager Sutherland advised that the Town will try to monitor the traffic on this road. Councilman Weisiger noted that the Town will monitor the traffic as best as they can. He stated the problem is all over Town. Mayor Crewe indicated that the speed limit is not the problem, it is people not obeying the speed limit is the problem. Councilman Weisiger stated that is correct.

Councilman Weisiger stated that this past week, their Committee received yet another inquiry from a resident on Holston Road regarding the Town providing sewer service. He noted that the Town's sewage system serves an area along Holston Road between North Fourth Street and the Asbury Center. Councilman Weisiger indicated that the eastern portion of Holston Road and the Birdland Subdivision do not have Town sewage service. He noted the dwellings in these areas have individual septic systems. Councilman Weisiger indicated that the Committee has reviewed the potential to install sewer service to these areas on several occasions. He advised that providing sewer service to these areas is a rather extensive project requiring the installation of a significant amount of gravity line and several pump stations. He noted that currently, the Water and Sewer Fund is not financially capable of the debt required for this project. Councilman Weisiger stated the Committee would note, however, that recently at least two developers have indicated that they may be developing new residential subdivisions in the area that will require the installation of pump stations. He noted the Committee thinks it is worthwhile to work with these developers to see if there could be some coordinated effort in providing sewer service to this section of town. Councilman Weisiger remarked, however, at present, the Committee does not feel they are in a position to recommend a sewer project of this magnitude. He noted the Committee would ask that the Town Manager contact the resident making the inquiry to share with her the information the Committee has discussed at this meeting. Mayor Crewe stated that unless someone objects, the Council will ask Town Manager Sutherland to send a letter or call the resident. Councilman Weisiger advised that the Council could give the resident some hope that there may be some development in that area. Mayor Crewe advised that for anyone who reviews it, it is going to be such a million dollar project that it is probably not going to happen. He noted land prices are going up, and maybe this project could happen.

Councilman Weisiger also reported that the Town has received a request for the installation of street lighting in the Meadows of Pine Ridge Subdivision. He explained that under current subdivision regulations, the developer is required to provide all improvements in a subdivision (water, sewer, streets, curb and gutter, street lighting, etc.), which, upon completion of their installation, are dedicated to the Town. Councilman Weisiger advised that the Meadows of Pine Ridge Subdivision was created just slightly before the implementation of these new regulations. He stated that therefore, it was not the responsibility of the developer to install street lighting. He noted the Committee would agree that it is dark in this neighborhood, and street lighting is needed. Councilman Weisiger advised that the Meadows of Pine Ridge has all electric service buried underground, and the Committee would think that any street lights that are installed

would, likewise, have underground services feeding them. He stated the Committee has asked the Town's engineering staff to develop a plan for street lighting in this neighborhood and to get a cost estimate from Appalachian Power Company. Councilman Weisiger remarked that once the Town has received this information, they think it would be worthwhile to review this information with residents in the neighborhood. He noted the Committee knows from prior experience that the location of street lighting within the neighborhood is desirable by some residents and not desirable by other residents. Councilman Weisiger stated that hopefully, by the next meeting, the Committee will be in a position to make a recommendation to the Council on the installation of street lighting in the Meadows of Pine Ridge Subdivision. Mayor Crewe noted the Council looks forward to hearing this. He stated what he thinks the Committee will find out is that everyone wants the light to shine in their yard, but that no one wants the pole in their yard. A copy of the Public Works Committee report is attached and made part of these minutes. [Attachment.](#)

RE: DISPENSING WITH OCTOBER 24, 2005, COUNCIL MEETING

Mayor Crewe stated the next agenda item is to consider dispensing with the October 24, 2005, Council meeting due to the Virginia Municipal League meeting. He noted the Council members will be attending the Virginia Municipal League meeting in Richmond at the time of the next Council meeting. Mayor Crewe inquired if anyone has any objections to dispensing with the October 24 meeting. There being no objections, it was the consensus of the Council to dispense with the October 24, 2005, meeting.

RE: JOINT GOVERNING BODIES MEETING

Mayor Crewe inquired if the Town has heard from the Town of Rural Retreat about the October 31, 2005, Joint Governing Bodies meeting. Town Clerk Hackler noted that the Town of Rural Retreat stated to dispense with the meeting, and the County had several responses to dispense with the October 31 meeting, but they have not let her know if they have a quorum yet. Mayor Crewe noted, therefore, the Town still does not know about the dispensing of the Joint Governing Bodies meeting on October 31, 2005.

RE: REQUEST REGARDING TRAFFIC LIGHTS

Mayor Crewe advised that he will pass this along to the Public Works Committee, and they can think about it, but he was requested to look at a leading green in both directions at Main and Eleventh Streets. He advised that he thinks the Committee has looked at this before, and if he remembers correctly, that signal was not capable of being programmed for this, but noted he cannot remember. Mayor Crewe remarked that at one point, it was the lay of the land, but the Town changed the approach lane. He stated he did not know if it is an issue or not, but the Public Works Committee might think about it. Councilman Weisiger inquired if it would help the people coming off of Peppers Ferry Road turning left toward the College. He noted there is a lot of traffic that does this. Mayor Crewe advised that is correct especially at 3:30 p.m. in the afternoon when the plants are getting out and coming that way. He noted that, of course, he suspects that a lot of people coming that way are coming down Holston Road, and maybe now they will not be coming that way. Town Manager Sutherland inquired if Mayor Crewe is stating at 11th and Main Streets. Mayor Crewe advised that is correct. Town Manager Sutherland indicated that it will be for vehicles turning on 11th Street. Mayor Crewe advised that actually the request was made in three directions because it was Main Street east and west, and, he would guess it would be southbound on 11th Street. He noted he does not think there is much of a problem in turning left southbound, although it could be northbound on 11th Street. Councilman Weisiger advised he thinks southbound on 11th Street is the most needed leading green. Mayor Crewe remarked that his recollection is there was a reason the Town could not do that because on 11th Street there was not enough room to make the lane, so if there is a person in the first of the line that is not turning left waiting for the green light to change, the three people behind him/her are screaming because they want to make a left hand turn when the arrow is on. He advised he thinks that was the issue on that side. Town Manager Sutherland remarked that if it is capable, this one at Fourth and Ridge Streets actually functions very well where there is a leading green for a little while. He noted that sometimes if the lead person is going straight, he can go on, and it gives everyone else a little opportunity to turn left, and then everything changes. Councilman Weisiger noted that a person cannot go straight in the left hand lane because it is left turn only going southbound. Mayor Crewe noted that this is supposed to be. He stated his recollection is the Town reviewed this traffic light several years and there was some reason it could not be done. Councilman Weisiger noted that the Committee will review the matter. Mayor Crewe stated that it may be time to review the matter again. He noted he just received this inquiry today, so he will pass it to the Public Works Committee.

RE: YARD SALE SIGNS

Vice-Mayor King inquired if she may state two things. She advised that there are yard sale signs all over town that are mounted on the posts and the rights of way, and it seems to her that every year the Town Council goes through this. Mayor Crewe noted that he had a discussion with someone from Appalachian Power Company today that there is a movement afoot where Appalachian Power is trying to take some of the signs. He explained that if someone has a yard sale sign on an Appalachian Power pole, Appalachian Power is going to take a warrant for the person for not having removed it and for putting it up in the first place. Mayor Crewe noted that APCO has apparently become concerned about it enough that they are going to take some criminal charges. He advised the problem with it he sees is if it is his house, they cannot prove he put the sign there. Mayor Crewe stated he knows this was tried once or twice before and Judge Danny Bird threw the case out because either, for an example, he told Vice-Mayor King to put up the signs but did not tell her to put one on the poles and said it was supposed to be on the street and he did not know it was there, or his wife did it, and he did not know about it. Councilman Weisiger inquired if APCO can press charges against the person because they are responsible for it. Vice-Mayor King pointed out that the signs are not supposed to be on the Town right of way. Mayor Crewe stated that is correct. Vice-Mayor King advised that neither are the election signs supposed to be on Town right of way. Mayor Crewe stated that is correct. Town Manager Sutherland advised that the Town has picked up a bunch of these signs. Vice-Mayor King reiterated that these signs are all over town. Mayor Crewe noted that the signs are there for weeks. Vice-Mayor King advised that what she does not like about it is that one of her signs was put up by mistake on Town right of way, and it was taken down so "what is good for the goose is good for the gander." Mayor Crewe noted that the Town does take them down when they can find them on Town right of way, but there is a lot of them on the poles. Vice-Mayor King invited the Council members to drive down Tazewell Street, and noted she just came that way. She noted there are signs on Mountain View Drive, Fisher Road, Pine Street, etc. Mayor Crewe advised that he thinks the Town can remove them. Town Manager Sutherland noted that the Town will remove these signs tomorrow. Mayor Crewe noted that is correct if they are on Town right of way. Vice-Mayor King inquired if the street across from her house is 28th Street going by the Country Club. Mayor Crewe noted it is 30th Street that comes through the high school parking lot. Vice-Mayor King pointed out that there are about three or four signs there on poles, but noted she guesses they are yard sale signs, and they were there last week. Mayor Crewe noted that the signs stay up for weeks, and a lot of people do not bother to take them down.

RE: FIRE PREVENTION PARADE

Vice-Mayor King noted that the Firefighter's Parade will be this Saturday night and inquired if the Council members will be attending. Mayor Crewe noted that he will not be able to attend the parade. Vice-Mayor King stated that the parade is at 7:00 p.m. and inquired if that is correct. Mayor Crewe noted he thinks that is correct. He stated the homecoming parade is Wednesday at 6:00 p.m. Town Clerk Hackler noted that she thinks they will be starting at the Town parking lot at 5:30 p.m. Mayor Crewe indicated that they are feeding the football players at 5:00 p.m., so they may be running late. Councilman Weisiger noted every year when they hold the Fire Parade, the sirens set off his fire alarm. Mayor Crewe stated there are lots of fire trucks that go by, and Councilman Weisiger may want to be in the store Saturday night to turn it off.

RE: BAND FESTIVAL

Vice-Mayor King remarked that they must have had a wonderful turnout for the Band Festival at the high school Saturday. She noted that there were cars every place. Mayor Crewe stated that they did not finish until 9:30 p.m., and noted he did not know if they spent money in town. He stated he knows a lot of fast food places were crowded all day, and they had 28 bands is what he has been told. Mayor Crewe stated he is not familiar with it because he has not been in years, although he has sent letters, but he thinks it is a Class C or a Class IV band, the big ones, and they had five schools that had over 250 members on the band. Councilman Lambert noted that it makes the local bands look insignificant. Mayor Crewe remarked that they had some significant numbers of people, and they stayed for the awards presentation. He noted that from his house, he could still hear them screaming at 9:30 p.m. when they were yelling, etc. Vice-Mayor King stated she could also hear it. Mayor Crewe advised he thinks a good time was had by all, and he was thankful it did not rain on them.

SPRINT STRIKE

Vice-Mayor King inquired if the Council knew that Sprint is on strike. Mayor Crewe noted he did not know it until today when he saw some of them down there. Vice-Mayor King advised that

she heard it at Curves this morning. She noted they just went on strike at midnight. Mayor Crewe inquired as to who is striking. Vice-Mayor King remarked that Ms. Diane Kegley told her that they called last night at 10:30 p.m. and told her husband who works for Sprint. Mayor Crewe advised that there are picketers down there at the entrance on Spring Street, and that is where he saw them when he came out of the Courthouse. Vice-Mayor King noted when she came from Curves this morning, it was still dark, and she went up the street because Ms. Kegley told her, and it appeared to be about 12 people out there with big signs. Mr. Coleman Shuler remarked that their sign says CWA, which he guesses is Communications Workers of America. Mayor Crewe noted he did not know if it is the line men or who is on strike.

RE: CODE BOOK PAGE

Vice-Mayor King requested Town Clerk Hackler to have a new page made for the ordinance book. Town Clerk Hackler inquired if the Council would like the Daniel Boone marker. Vice-Mayor King noted that this page has Mr. Jimmy Gleaves' name on it, and a lot of old Council people. Town Clerk Hackler advised that Vice-Mayor King is inquiring regarding the Code Book. Vice-Mayor King stated that is correct, and inquired as to what she had stated. Mayor Crewe noted that Vice-Mayor King indicated the ordinance book. Town Clerk Hackler advised that she will have the new page made. Vice-Mayor King noted that she noticed that hardly any information on the page is correct, and advised that she fixed her Code Book. Mayor Crewe remarked that he fixed part of his book, but he has not finished it all.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next item on the agenda is Citizens' Period. He thanked Mr. Coleman Shuler for waiting and advised he was trying to get through some of the other items. He noted that Mr. Shuler had signed up and indicated he wanted to speak to the Council on an important matter. Mayor Crewe recognized Mr. Shuler and advised that the Council will be glad to hear from him. Mr. Shuler indicated that it is very difficult for him to come before the Council at this meeting. He stated he will trust that the Council will at least understand that things he has to say and the subject he has to deal with is very difficult for him. Mr. Shuler advised that the Council will at least know he has given quite a long period of time of thought. He commented that due to the adversarial position the Town took against him, and certain citizens and certain staff members and certain of the commitments that were made to him that were broken and certain of the actions that happened that affected him in an extremely detrimental way, and as a result of the circumstances that happened in criminal court and some things since then, the primary being is that his health is deteriorating. He noted there are days that he can do things fairly well, and there are days he has a very difficult time making it at all. Mr. Shuler remarked that it is going the wrong direction until he gets it turned around. Vice-Mayor King inquired of Mr. Shuler if he is under doctor's care. Mr. Shuler stated that is correct. He remarked that he is a person who believes in laws that are a lot higher than the Council goes by, because those are too technical for him. He noted he goes by intent and by cooperation, and not really into adversarial stuff. Mr. Shuler remarked that he strongly defends himself when he gets backed in a corner. He noted that to not be able to be safe and sound on his own property, which is the only refuge he has, has been very difficult and very painful for him. Mr. Shuler advised that being that the very people who caused him trouble to begin with or broke their commitments or applied rules unfairly, and as the Council knows who were there, most of the evidence that he wanted to bring to bear to get a dismissal of the charges was not even allowed to be presented, and, so, he realized his only recourse is to take civil action. He noted, of course, he is not a person who prefers litigation. Mr. Shuler indicated that it is like he heard someone the other day state that when it is a civil matter, it is just about money, and that is the only thing a person stands to gain. He noted that in his case, money would help fix some of this stuff that he has been cost, but it will not take away the pain or the suffering or the humiliation or the taking away of his civil rights on his own home. He remarked that like he said, and noted he has said it before in a more antagonistic way at that time, he has thought about it very deeply over the last several months and it is not in his character or his conscience to be able to handle being stepped on when he is down. He continued that if he was strong and able and could fight with strength, then he would take on anybody, but when he can hardly make it at times, and is having a difficult time to survive financially and then is still being oppressed by his own municipality or citizens or employees, then it is something that he did ignore until this point and did a lot of thinking and trying to see if he could figure out any other alternative. Mr. Shuler indicated that unless this body chooses to do something that will keep him from going down the drain, he will not have any other alternative. He explained that at the present time, he does not have any reason to believe that anyone would stand by him, but he never goes behind people's backs. Mr. Shuler pointed out that the legal action was served on him behind his back because the Town Manager had made him a commitment, and that did not occur. He stated that action was filed by somebody else, and even talking to the Town Manager, he did not rectify it, and talking to the Mayor, he did not rectify it, and talking to the Commonwealth Attorney, he did not rectify it. Mr.

Shuler indicated that it could have been stopped at those courses, and since it was not, and may not even be now, his only course, like he has stated, is to file civil action for compensatory damages and punitive damages against everybody who has been a part of anything great or small. He stated it is not a course he wants to do, but like he stated, he cannot betray himself. Mr. Shuler remarked that if he is forced to file a lawsuit for \$500,000 and name any people who have filed false accusations against him or malicious accusations against him, or just stuff that is trying to control him in his own space or whether it has to do with conflict of interest or any of the other things that any of the Council members may have been involved in either accidentally or deliberately or where their priorities were different than his. Mr. Shuler summarized that the bottom line is that in April, the judge decided that the same people who did not treat him right in the beginning were going to be the people that decided whether he had complied with the stuff in the end. He stated so he knew at the time he did not really have any awareness of what would be said or done in that report, and knowing that his health has prevented him from doing all of the things that he needed to do so far as that or all of the things he needed to do so far as paying his own bills or getting ahead or anything, then until he loses his house and no longer owns it, he will fight for it until his last breath. Mr. Shuler remarked that he will not do it in an evil, unfair way. He stated he will do it with courtesy, but he happens to be the only one that knows all of the facts in all of the circumstances because he knows absolutely for a fact that those of them on the Council have only heard just what they were told by those who they have appointed who serve under them. Mayor Crewe stated he would like to intercede. Mr. Shuler continued that he does have facts, which, obviously, they do not have time to go through now. He stated he does have evidence for anything that he would present. Mayor Crewe noted that he would save Mr. Shuler some time, and indicated that he thinks he has given Mr. Shuler the opportunity to speak at least six or seven times in the course of these events. He stated Mr. Shuler and this Council have a difference of opinion, and noted they see things differently. Mayor Crewe explained that they cannot reach any kind of resolution, although they have tried, so they went to court to have a judge reach a resolution. He stated that Mr. Shuler indicated that his side was not presented, and remarked that he disagrees because he was there all day, and Mr. Shuler had the opportunity to do whatever he wanted to. He noted the judge said that some things were admissible and some things were not admissible, but that is not up to the Council, and that is up to the court. Mr. Shuler indicated he understands that. Mayor Crewe remarked that the judge made his ruling, and the only thing that has to be done from the Town's point of view, if he understands the judge's order correctly, is a report has to be filed. He explained that Mr. Shuler has the opportunity to answer that report, respond to it, and do whatever he wants to, but once the judge hears it, he makes a decision as to whether Mr. Shuler did or did not comply. Mayor Crewe stated that the Town is not saying that Mr. Shuler did or did not comply, the judge is saying this. He remarked that this is the only way he knows of reaching any resolution. Mayor Crewe pointed out that if Mr. Shuler thinks he needs to sue all of the Council or anybody else, then Mr. Shuler should do what he needs to do and the Town will respond accordingly. He stated the Town and Mr. Shuler tried for years to work this out and have gotten nowhere. Mayor Crewe advised that their disagreement needs a decision maker, and that is why the Town went to the court and to a judge. Mr. Shuler pointed out that this is not totally correct because, again, it is his property. He noted he just heard this Council lady say what is fair for the goose is fair for the gander, and when the Council does not apply their laws fairly to every citizen in this town, and they took him on the perimeter who was annexed, and noted there were several annexations afterward. Mayor Crewe stated they are not getting anywhere and pointed out that the Council does apply the laws fairly. Mr. Shuler advised that the Council does not apply the laws fairly, and stated he has evidence. Mayor Crewe remarked that if Mr. Shuler does not think the Council is applying the laws fairly, he can present whatever evidence he wants to present to the Court, but advised for Mr. Shuler not to stand there wasting the Council's time telling them the speech they have heard fifty times. Mr. Shuler advised that the Court did not accept that. Mayor Crewe stated this is not the Council's problem. Mr. Shuler remarked that when the Council is the defendant in a civil case, it will be accepted. Mayor Crewe told Mr. Shuler not to be surprised if the Town answers anything that Mr. Shuler files accordingly. He noted he can guarantee Mr. Shuler that the Town is going to. Mr. Shuler stated he is sure the Town will. Mayor Crewe reiterated that the Town and Mr. Shuler have a disagreement, and he sees no way around it. He advised Mr. Shuler to do what he thinks he needs to do, and the Council will do what they think they need to do. Mr. Shuler pointed out that there is a conflict of interest. Mayor Crewe noted that Mr. Shuler can allege whatever he wants to allege. Mr. Shuler advised that it is not an allegation. Mayor Crewe remarked that Mr. Shuler can prove whatever he wants to prove, but Mr. Shuler, the Council, and he cannot reach an agreement, and they have tried. He stated they have a disagreement that they need to have a decision maker. Mr. Shuler noted he would like to ask a question and inquired as to why their chief appointed official was allowed to give his word to him and break it with no consequence to the Town Manager but great consequence to him and the Council states they cannot do anything about it. Mayor Crewe stated he guesses the answer to that is the judge ruled. He remarked that if Mr. Shuler thinks the Town Manager lied to him, this is something that Mr. Shuler went to great lengths about. Mr. Shuler advised that he did not say the Town Manager lied but he broke his commitment. Mayor

Crewe noted this is what Mr. Shuler states, but that is not what the Council states. Mr. Shuler noted that Town Manager Sutherland advised that he did not remember it. Mayor Crewe remarked that they have a disagreement, they went to court, and the judge decided that issue. Town Manager Sutherland inquired if Mr. Shuler has done anything. He inquired as to how many times he has asked him to move the trailer. Mr. Shuler remarked that he answered that a few minutes ago if Town Manager Sutherland was listening to what he said. Town Manager Sutherland inquired as to how many times he had asked Mr. Shuler to move the trailer and tend to the junk cars. He noted he has told Mr. Shuler this for years, and he told Mr. Shuler for years that if he would deal with those issues, the Town would work with him. Mr. Shuler advised Town Manager Sutherland that these things are not on Mr. Sutherland's property, it is on his property. Town Manager Sutherland told Mr. Shuler that any way he looked at it, there was a court date on October 23, 2005, and it is set in concrete. He advised that the Town did not set the date, Judge Duncan set that date. Mr. Shuler inquired if they recall that their Town Building Official, when he testified in court and had documentation.... Town Manager Sutherland interjected that this is a moot issue. Mr. Shuler stated that is correct. Town Manager Sutherland advised that the judge gave Mr. Shuler every flexibility for eight hours. Mr. Shuler stated this is just the criminal part of it. Mayor Crewe stated that Mr. Shuler can take whatever action he needs to take, and the Council will respond how they think they need to. He advised there is no way the Town and Mr. Shuler can work this out, and they need a judge to work it out. Mr. Shuler noted that they can work it out. Mayor Crewe stated there is no way to work it out. Mr. Shuler indicated that as he said, the Council will know at least that he tried. Mayor Crewe thanked Mr. Shuler. Mr. Shuler continued that as he has stated the Council has the power, but they will have to kill him. He stated he said he would give his last breath because he will not be lied about on his property, and the people that lied, they say, "Oh, we don't have to do anything about it." Mayor Crewe reiterated that, again, there is no way of resolving that issue. He advised that Mr. Shuler thinks all of the Council told him something that is not true or took an action that he thinks is personal, and none of them believe that. Mr. Shuler remarked that he did not state that. He noted he said that the person he came to in January of this year, and said, "Listen, I haven't finished everything, and if I need to go to the Town Council meeting tonight, I will go." Mr. Shuler pointed out that it was the first Town Council meeting of this year, and the Town Manager said, "No, it's not on the agenda, and we will get in touch with you in a week or two and come out and do an inspection and talk with you before we take any action at any time." Mayor Crewe inquired as to what is different at this meeting than when they were in court in April. Mr. Shuler stated the fact that those issues have never been done correctly. Mayor Crewe remarked that Mr. Shuler tried to do those issues directly before the court in April. Mr. Shuler stated the judge called it prior negotiation. Vice-Mayor King inquired if she could ask Mr. Shuler something. Mr. Shuler advised that when the Town Manager gives him his word, it is not negotiation but his decision. Mayor Crewe remarked that they have been through this, and they asked the neutral decider to decide, and that is the ruling of the judge. He reiterated there is no way for them to work this out, and they need to have a court to do it. Mr. Shuler pointed out that Building Official Stan Massie will be the one that turns in the report. Mayor Crewe noted that Mr. Shuler will have the right to present any evidence he wants to contradict anything in that report. Mr. Shuler remarked that when he said Mr. Massie was one of the reasons he had to move his trailer out of the trailer court, he did not even remember testifying. Vice-Mayor King pointed out that she thought it was the lady that owned it. Mayor Crewe noted who did it is irrelevant. Mr. Shuler advised that it is not irrelevant to him. Mayor Crewe stated it does not comply with the law, and it has not. He noted that Mr. Shuler will remember that there is in evidence a 1999 letter that Mr. Shuler signed that said he would remove it in 1999, and here everyone is six years later and it has not been done. Mr. Shuler remarked that he is talking about something that happened in January 2005. Mayor Crewe stated he knows this is what Mr. Shuler wants to talk about, and if Mr. Shuler thinks that is important, he can ask the judge to decide it again. Mr. Shuler advised that the judge will not do this. Mayor Crewe remarked that the Council thinks it is over and done with and they need to move forward, and the Council cannot help him. He reiterated that they cannot reach an agreement, and they cannot reach a solution amongst them, and that is why they went to court in the first place. Mr. Shuler commented that like he has stated, it will take a lot of his time and energy filing a lawsuit that he needs to be doing to try to survive. Mayor Crewe remarked that if Mr. Shuler thinks he needs to file a lawsuit, then he needs to do what he thinks he needs to do. He stated that Mr. Shuler has to look out for himself, but he would remind Mr. Shuler that the court's order stated he had to comply in six months, and the judge set the review for next week or two weeks from now. Mr. Shuler stated that is correct. Mayor Crewe noted that if Mr. Shuler thinks he has complied, he can present the evidence that states he has complied and that is fine. Mr. Shuler noted he has not complied. Mr. Shuler noted that he could not have complied anyway in six months. Mayor Crewe remarked that if Mr. Shuler advised that he has not complied, then he needs to tell the judge. Vice-Mayor King inquired if she could ask a question. Mr. Shuler stated it will not make any difference to the judge. Vice-Mayor King noted that Mr. Shuler has had all of this time to correct some or all of these problems. Mr. Shuler advised that he has had the time but not the health, and remarked that he does not appreciate anyone putting him down when he keeps trying. Vice-Mayor King indicated that it seems like

some place along the way she heard, and she cannot remember who it was, that had told him the County was picking up house trailers. Town Manager Sutherland advised that this program ended, and it was not available. Mr. Shuler remarked that he is just going to put it there permanently and live in it, and he has a right to do that, and it will comply with the Town Code. Mr. Shuler noted he was just trying to leave it parked there until he could move it somewhere out in the County. Vice-Mayor King remarked that she cannot understand why everyone else has to comply with the laws, and the Town has asked him to comply, and she swears it has been since she has been on Town Council for thirteen years that nothing has happened. Mr. Shuler inquired that nothing has happened about what. Vice-Mayor King noted that it has been for anything the Town has asked Mr. Shuler to do. Mr. Shuler pointed out that he got hurt 23 years ago, so if Vice-Mayor King has only been on Town Council 13 years, he has had to deal with the injuries for 23 years. Mr. Shuler noted he was annexed by the Town. Vice-Mayor King inquired how Mr. Shuler was able to continue to put up all that stuff out at his house and doing all of the crates with the sheep. Mr. Shuler remarked that he was doing what he could do to barely get by. Mayor Crewe noted the question is that Mr. Shuler was adding to it, not taking away from it. Vice-Mayor King noted that is correct. Mayor Crewe stated that if Mr. Shuler was physically able to add to it, why is he not physically able to take it down. Vice-Mayor King advised that she is not trying to give Mr. Shuler a hard time. Mr. Shuler noted that him adding to it was stuff that did not cost him anything. He remarked the Council is trying to justify something that they do not even know what they are talking about. Vice-Mayor King stated that is not correct. Mr. Shuler stated he would know if he is eight house payments behind and inquired if that is correct. Mayor Crewe noted that Mr. Shuler's house payments being behind have nothing to do with this. He advised that Mr. Shuler is putting up things that are non complying structures. Mr. Shuler noted it has nothing to do with the Council, but it does to him, and he has to deal with all of it. Mayor Crewe reiterated that this is why Mr. Shuler is going to have to tell it to the judge and not the Council. Mr. Shuler noted that as he has stated, there are places within the sight of the courthouse that the Council does not even care about. Mr. Shuler noted it is only because people have complained who do not have a right to complain. Mayor Crewe stated that, again, Mr. Shuler will have to tell this to the judge and not to the Council because they are not going to reach any accommodation on this basis. Mr. Shuler noted if they do not, they do not. He stated he will have to sue those people, too. Mayor Crewe remarked that Mr. Shuler needs to do what he thinks he needs to do. Mr. Shuler remarked that he can remember those people, and he just called them as witnesses and not as defendants. He stated he can remember a couple of people that came in to court on walkers, and, yet, he sees them out working and chopping brush. Vice-Mayor King inquired of Mr. Shuler if he wanted to know what she remembers most about that day. Mr. Shuler inquired as to what Vice-Mayor King remembered most. Vice-Mayor King stated it was Mr. Shuler's mother, and it broke her heart when Mr. Shuler called his mother to the witness stand. Mr. Shuler stated his mother is falsely accusing him of stuff, and Mayor Crewe is her attorney, and it is a conflict of interest because he now has proof that the things he was charged with many years ago did not happen, but advised he knew it did not happen then. Vice-Mayor King advised she thought that was pretty mean, and noted this is her personal opinion. Mr. Shuler inquired if it was mean calling his mother as a witness. Vice-Mayor King stated that is correct. Mr. Shuler inquired as to why it was mean. Mayor Crewe stated he did not think the Council is going to get anywhere or accomplish anything. Mr. Shuler remarked that in other words, it is just comments like this that there is no way of being fair. Mayor Crewe noted that this is why Mr. Shuler needs to tell it to the judge. Mr. Shuler inquired if Mayor Crewe is comfortable with the fact of the conflict of interest that exists between him and Charles Irvin and Nell Irvin and Judson Lambert, and inquired if he wanted that out in the public. Vice-Mayor King inquired as to what Judson Lambert has to do with it. Mayor Crewe noted that he and Mr. Shuler have a difference of opinion, and remarked that he will take Mr. Shuler on in a neutral arbiter besides this Council anytime, anywhere he wants to, but he is tired of wasting Council's time over and over and over. He pointed out that Mr. Shuler has a court order, he has to comply, and this is the end of the discussion. Mayor Crewe stated that the Council cannot help him. Mr. Shuler remarked that he knows he has to comply with that, and he cannot because of his health. He noted the Council does not understand. Mr. Shuler commented he was asking at this meeting for the Council to do something that would benefit themselves more than him. Mayor Crewe reiterated that there is nothing the Council can do, and the Town is under the same court order that Mr. Shuler is under. Mr. Shuler stated the Council was the one that instigated the action, and there is enough conflict of interest and enough breaking of commitments. He continued that he did not know why Town Manager Wayne Sutherland, who makes as much money as he, would say, "Look, Coleman, I promised you that. I'll make good on it." Mr. Shuler advised that Town Manager Sutherland noted he did not remember stating it. He noted that if someone does not have that much character, and he could say, "Look, I'm a man of my word." Mayor Crewe stated they are not getting anywhere, and he is cutting off the discussion right now, and they are ending this Citizens' Time. Mr. Shuler stated that is acceptable. Mayor Crewe explained that there is no hope of resolving this, and all this is going to do is go into accusation after accusation, and those need to be made in a court of law and not in a Town Council meeting. Mr. Shuler stated this is what Mayor Crewe thinks. Mayor Crewe noted that this is his

ruling, and he is in charge of this meeting tonight, and any further comments are out of order, and they are finished. Mr. Shuler advised he will be back because that is something they cannot stop him from. Mayor Crewe remarked that Mr. Shuler has a right to come to the meetings, but he will inform Mr. Shuler that he will rule any comments about this out of order. Mr. Shuler stated for Mayor Crewe to understand because of what they are ruling, he will have to...his mother and stepfather and his brothers will have to be defendants in the action. Mr. Shuler noted that Vice-Mayor King advised she did not even want them to be a witness. Mayor Crewe stated for Mr. Shuler to do what he needs to do. Mr. Shuler noted that he was trying to prevent this, too. He stated he will also have to involve the Lowders, their friends. Vice-Mayor King indicated that this is another thing, and they are their friends. Mr. Shuler noted that is correct, and it is a conflict of interest when they voted against him. Mayor Crewe noted he is ruling all of this discussion out of order, end of discussion, and Citizens' Time is ended. Vice-Mayor King stated that Mr. Shuler does not know what he is talking about. Mr. Shuler commented that he most certainly does know what he is talking about. Vice-Mayor King stated that is incorrect. Mr. Shuler noted that he does know what he is talking about.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:50 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

PUBLIC WORKS COMMITTEE REPORT

OCTOBER 10, 2005

1. Several weeks ago, our Committee was asked to review an inquiry from residents on Holston Road regarding the reduction of the speed limit and the installation of signs prohibiting through trucks on this section of roadway. At that time, we deferred action pending receipt of comments from residents along this section of roadway. We did, in fact, receive comments from several citizens who noted that large trucks that were traveling on Holston Road presented certain safety problems and, additionally, that these large commercial vehicles should not be traversing a residential neighborhood. We agree that Holston Road is not suitable for tractor-trailers and other large vehicles to use as a shortcut between Exit 41 on Interstate 77 and Exit 70 on Interstate 81. The other half of the inquiry was in regard to the speed limit along this section of roadway. Currently, the roadway is posted at thirty-five miles per hour. Given the geometrics of this section of roadway, we do not think that a reduction of the speed limit is warranted. Thirty-five miles per hour seems to be a reasonable speed limit. Therefore, it is the recommendation of the Public Works Committee that we install signs prohibiting through trucks from using Holston Road and that no amendments be made to the existing speed limit.

This past week, our Committee received yet another inquiry from a resident on Holston Road regarding the Town providing sewer service. The Town's sewage system serves an area along Holston Road between North Fourth Street and the Asbury Center. The eastern portion of Holston Road and the Birdland Subdivision do

not have Town sewage service. The dwellings in these areas have individual septic systems. We have reviewed the potential to install sewer service to these areas on several occasions. Providing sewer service to these areas is a rather extensive project requiring the installation of a significant amount of gravity line and several pump stations. Currently, the Water and Sewer Fund is not financially capable of the debt required for this project. We would note, however, that recently at least two developers have indicated that they may be developing new residential subdivisions in the area that will require the installation of pump stations. We think it is worthwhile to work with these developers to see if there could be some coordinated effort in providing sewer service to this section of town. However, at present, we do not feel that we are in a position to recommend a sewer project of this magnitude. We would ask that the Town Manager contact the resident making the inquiry to share with her the information that we have discussed this evening.

2. We have received a request for the installation of street lighting in the Meadows of Pine Ridge Subdivision. Under current subdivision regulations, the developer is required to provide all improvements in a subdivision (water, sewer, streets, curb and gutter, street lighting, etc.), which, upon completion of their installation, are dedicated to the Town. The Meadows of Pine Ridge Subdivision was created just slightly before the implementation of these new regulations. Therefore, it was not the responsibility of the developer to install street lighting. We would agree that it is dark in this neighborhood, and street lighting is needed. The Meadows of Pine Ridge has all electric service buried underground, and we would think that any street lights that are installed would, likewise, have underground services feeding them. We have

asked the Town's engineering staff to develop a plan for street lighting in this neighborhood and to get a cost estimate from Appalachian Power Company. Once we have received this information, we think it would be worthwhile to review this information with residents in the neighborhood. We know from prior experience that the location of street lighting within the neighborhood is desirable by some residents and not desirable by other residents. Hopefully, by our next meeting, we will be in a position to make a recommendation to the Council on the installation of street lighting in the Meadows of Pine Ridge Subdivision.

William B. Weisiger

H. Judson Lambert

BUDGET AND FINANCE COMMITTEE REPORT

OCTOBER 10, 2005

1. Earlier this year, the Town was given notice of an award of grant funds from the Appalachian Regional Commission to be used for planning activities associated with the development of a regional artisans center. The \$50,000 grant is to be used to evaluate matters associated with the development of the center such as the economic impact, the number of artisans in the area who would participate, the type of facility that would house the artisans, and the development of operational plans for such a center. The development of this master plan will necessarily require employment of consultants who have expertise in these areas. Before proceeding to procure these services through private entities, three institutions of higher learning in Virginia were contacted. All three of these facilities have the expertise needed to perform this study, though only one, Virginia Tech, was desirous of performing the work. By contracting with an institution of higher learning in Virginia, state law exempts this contractual arrangement from going through the procurement process. However, for the purposes of grant compliance documentation, it will be necessary for the Council to authorize this contract with Virginia Tech. Therefore, it would be the recommendation of the Budget and Finance Committee that we authorize the Town Manager to enter a contractual agreement with Virginia Tech for the sum of \$17,000 to provide the Town with the information and analysis as required by the grant.

2. At a recent Committee meeting, we had a discussion with a local developer regarding the charges for water and sewer connections for multiple family dwellings. As the Council is aware, our policies with regard to connection fees for multiple family dwellings were revised in December of 2004. At the request of developers, our Committee reviewed this topic and made a report to the Council on June 13 of this year noting that we thought that the charges that had been adopted in December were reasonable. In June, we acknowledged that it may be helpful to developers to have the opportunity to pay these fees over some period of time rather than paying all the fees prior to obtaining the building permit. At that time, we suggested that one-third of the connection charges be paid at the time of obtaining the building permit, with one-third being paid 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 the issuance of the Certificate of Occupancy, whichever comes first. We do acknowledge that some of these projects are rather large and may well take longer than one year to construct, and would recommend to the Council that we amend the policy only to the extent that we allow the developer to pay one-fourth of the connection charge at the time of the building permit with the opportunity to make three subsequent payments within an eighteen month period or the issuance of the Certificate of Occupancy, whichever comes first. This revision would help the developer in spreading his costs 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 previously discussed giving the developer up to eighteen months to pay the applicable charges.

Jacqueline K. King

John W. Jones, Jr.

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