

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, MARCH 12, 2007, AT 7:00 P.M.**

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

Members absent: William B. Weisiger

Others present: Town Manager C. Wayne Sutherland, Jr., Assistant Town Manager Stephen A. Moore, Chief Deputy Clerk Sharon G. Corvin, Town Attorney Robert P. Kaase, First Sergeant Joel Hash, Police Officer Chris Irvin, Danny Gordon with WYVE/WXBX, Becky Grubb, Pat Snapp, Les Denson, Edmund Pendleton, Connie Seagle, Tommy Seagle, Paul Garst, Jack Hunley, Tina Allison, J.C. Allison, Agnes Eades, J. B. Willis

**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 Jones 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 February 26, 2007. 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 February 26, 2007. 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., H. Judson Lambert. Against: None.

**RE: PUBLIC HEARING – VIRGINIA RECYCLING SPECIAL EXCEPTION PERMIT**

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider the request of Virginia Recycling for a special exception permit to operate a recycling center at 1290 West Pine Street, which is located on the north side of Pine Street between 22<sup>nd</sup> and 24<sup>th</sup> Streets, in a B-2 Business District. He inquired if there are persons present who wished to address the Council during the public hearing.

Mr. Les Denson was recognized and stated this will not be a junk yard. He advised that the operations will stay indoors. He stated they intend to keep the site nice and clean and not a distraction to the neighborhood. Mayor Crewe thanked Mr. Denson for his comments.

Mr. Edmund Pendleton was recognized and stated they have been trying to sell the property for some time. He advised that they are very strict about who they are going to lease the property to because they do not want to damage the property in any way. He advised that they have a very strict lease that the lessee will have to abide by. Mayor Crewe thanked Mr. Pendleton for his comments.

Mrs. Connie Seagle was recognized and stated that this operation will be right behind her parents' home, and they are concerned about what it is going to do to their property values. She noted that, of course, they are concerned about sitting on their back porch and looking at a junk yard, so to speak. Mrs. Seagle remarked that from her parents' standpoint, they are requesting that the Town Council not approve Virginia Recycling's request. Mayor Crewe thanked Mrs. Seagle for her comments and for attending the meeting.

Mayor Crewe noted that Mr. Paul Garst is the next person listed on the sign up sheet. He noted that Mr. Garst had a question mark by his name, and he did not know if he wanted to speak or not, but the Council would be glad to hear from him if he would like to speak. Mr. Garst advised that he will wait to speak.

Mayor Crewe then recognized Mr. Jack Hunley and noted that Mr. Hunley had a question mark by his name as well. Mr. Hunley advised that he did not wish to speak.

Mayor Crewe indicated that Ms. Tina Allison also advised that she may desire to speak. Mrs. Allison advised that her husband is going to speak on their behalf.

Mayor Crewe recognized Mr. J. C. Allison who stated he wanted to clarify something from the Planning Commission meeting. He inquired if there would be any trash hauling vehicles

dropping off the cardboard. Mr. Denson answered that no trash hauling vehicles would be dropping off cardboard. Mr. Allison advised that he noticed at the Planning Commission meeting that the manager from Waste Industries happened to be sitting in the back, and this is why he was asking now to verify that. Mr. Denson explained that they do not deal with Waste Industries. He noted that, eventually, if they are successful in Wytheville, they will probably have roll off containers. Mr. Denson reiterated that if they are successful, then they will have some roll offs, but that would be the only thing coming in and out. Mr. Allison inquired if Waste Industries or Lusk or any of those companies would be coming to the site. Mr. Denson stated that Waste Industries, Lusk, or any company like that would not be coming to their business. He explained that they have their own business to deal with, and he is really a competitor to those businesses, and that may have possibly been why the manager from Waste Industries was attending the Planning Commission meeting. Mr. Allison summarized that he just wanted to verify that. Mayor Crewe thanked Mr. Allison and Mr. Denson for their comments.

Mayor Crewe indicated that those are all the speakers he had notice of on the sign up sheets, but if there is anyone who wished to speak that he did not give them the opportunity, the Council would be more than happy to hear from them. He stated he did not want to cut anyone off. Mayor Crewe thanked everyone for attending the Council meeting. He noted since there is no one else who desires to address the Town Council during the public hearing, he will declare the public hearing closed. Mayor Crewe stated he would urge those citizens who are interested in this topic to stay at the meeting for a little while, and the Council will consider this matter shortly on their agenda. He noted the Town Council is not currently finished considering this matter, but the public hearing portion is over.

### **RE: CITIZENS' PERIOD**

Mayor Crewe stated the next agenda item is Citizens' Period. He advised that the Council has a Citizens' Period at every meeting. He noted that anyone who desires to address the Council is encouraged to do so. Mayor Crewe inquired if there are persons present who wished to address the Town Council during Citizens' Period. He noted if anyone has changed their mind or wants to speak on a topic that is not on the agenda, the Council will be glad to hear from them at this time. Mayor Crewe advised if anyone wants to address the Council for anything during Citizens' Period, the Council will be glad to hear from them. There being none, he proceeded with the agenda.

### **RE: OLD BUSINESS**

Under Old Business, Town Manager Sutherland reported the following:

1. The Budget and Finance Committee will meet tomorrow morning rather than Thursday morning, and the Public Works Committee will not have a meeting this week. Next week, it is to be decided on which day the committees will meet. Town Manager Sutherland stated he would assume it is going to be next Thursday, and Town staff will have to check the calendar in the morning. Councilman Jones stated it would be left up to Vice-Mayor King since he will not be attending the meeting.
2. The New River Regional Water Authority will hold its regular meeting on March 15, 2007, at 9:00 a.m. in the Town Council Chambers.

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

Vice-Mayor King, reporting for the Budget and Finance Committee, reported that under the Town's current regulations, peddlers, who are also known as itinerant vendors, are required to purchase a \$500 per year license for the privilege of conducting their sales within the corporate limits of the town of Wytheville. She explained that the \$500 license fee is the maximum fee permitted under State law. Vice-Mayor King noted that this past week, there was a situation where the peddler had, in fact, obtained the appropriate license from the Town, but had more than one location where merchandise was being sold. She stated for regular businesses within the town of Wytheville, each individual location of a sales or service activity requires a separate permit. Vice-Mayor King indicated that the Town contacted the Virginia Department of Taxation to inquire if there were any specific regulations that would prohibit a peddler from having multiple locations within the town under the same business license. She noted that the Virginia Department of Taxation advised that they had no regulations that would limit the number of sales sites, but they were of the opinion that this limitation could be imposed by local ordinance. Vice-Mayor King advised that their Committee discussed this matter at their meeting on Thursday morning, and they feel it is worthwhile to explore a revision to the Town's existing regulations that would limit a peddler to one sales site per license. She explained that the Committee is not prepared at this point to offer an amendment to the ordinance, but did want to make the Council aware that they were attempting to formulate this new regulation.

Vice-Mayor King also reported that after many years of planning and two years of construction, the Town's new Community Center is preparing to open. She noted that an inspection was conducted on the building, and it was declared substantially complete on March 1 of this year. Vice-Mayor King explained that being substantially complete means the Town has taken possession of the building, though some minor corrective work still needs to be performed. She stated that a ribbon cutting ceremony has been scheduled for Saturday, March 24, at 11:00 a.m. Vice-Mayor King remarked that following the ceremony, there will be opportunities for citizens to tour the new facility and to purchase pass plans for the use of the new recreation center. She noted that additional tours of the facility will be conducted on Monday through Wednesday, March 26 through 28, and, likewise, people will have the opportunity to purchase a pass plan. Vice-Mayor King stated the building will officially open for regular business on April 2. She indicated that the Council is very excited about this new facility being opened, and they are confident that the Town citizens will be very proud of this new facility. Mayor Crewe advised that the new Community Center has definitely been a long time coming. 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 later in the meeting, the Council will consider an amendment to the Town Code regarding removal of inoperative motor vehicles within the town's limits. He noted that currently, the Town Code provides for the removal of inoperative motor vehicles, but the process is slightly cumbersome. Councilman Lambert remarked that as the Council has discussed before, there are opportunities for the Town to participate in programs with the Department of Motor Vehicles that will greatly facilitate the Town's efforts in ridding the town of these nuisance vehicles. He noted that as a matter of fact, the Town has had a number of inquiries from surrounding communities regarding the potential to participate with the DMV in these programs. Councilman Lambert advised that since many citizens may not have had the opportunity to review these new regulations, the Committee would suggest that the ordinance be considered on at least two, if not three, readings. He explained this will give interested citizens the opportunity to review the regulations and make comments. Councilman Lambert advised, however, if there is no particular interest or no comments are received, the ordinance could be adopted on two readings. Mayor Crewe indicated that the Council will consider this ordinance later on the agenda on probably the first of at least two readings.

Councilman Lambert also reported that the Town has received an inquiry this past week from a merchant on Main Street who asked that parking be enforced on Main Street on Saturdays. He stated that several years ago, the decision was reached to relax the enforcement of parking along Main Street primarily due to problems the Millwald Theater was having with its matinees on Saturdays. Councilman Lambert indicated that normally speaking, there are limited numbers of vehicles parked on Main Street on Saturdays. He stated the Committee has reviewed this matter and continues to find there are spaces available along Main Street on Saturdays, though they may not be available directly in front of a specific store. Councilman Lambert indicated that it would be the suggestion of the Public Works Committee that the Council take no action to increase enforcement on Main Street, though the Committee does agree that the Town will continue to monitor the situation to see if additional enforcement is warranted. Mayor Crewe stated that unless someone disagrees and makes a motion to change it, the Town will continue to monitor the parking on Saturdays to see what happens. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

#### **RE: APPOINTMENT – WALL OF HONOR COMMITTEE**

Mayor Crewe stated the next agenda item is the consideration of the recommendation of the Wall of Honor Committee regarding the appointment of a member to the Wall of Honor Committee to fill the expired term of Mr. Robert Fowlkes, Jr., whose term expired February 11, 2007. He advised that Mr. Fowlkes is not eligible for reappointment. Mayor Crewe advised that the Council will see the letter recommending that Robin W. Cline be appointed to the Wall of Honor Committee. Vice-Mayor King noted that her name is Wright. Mayor Crewe noted if he understands correctly, Ms. Cline has gone back to Robin W. Cline. He stated it is the same lady, but her last name is Cline. Mr. Danny Gordon noted that is correct and requested the Council to note that correction. Vice-Mayor King inquired if her name is Robin W. Cline. Mayor Crewe stated that is correct. A motion was made by Vice-Mayor King and seconded by Councilman Jones to appoint Robin W. Cline to the Wall of Honor Committee. 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., H. Judson Lambert. Against: None.

**RE: ORDINANCE NO. 1210 – INOPERATIVE MOTOR VEHICLES**

Mayor Crewe presented Ordinance No. 1210, an ordinance amending and reenacting Chapter 12, Solid Waste Collection and Disposal, of the Code of the Town of Wytheville, Virginia, by amending Article VII. Keeping of Inoperative Vehicles, on first reading. He explained that this ordinance is the result of the things the Council has talked about in the Public Works Committee report that would involve the keeping of inoperative vehicles, and this amends the Town of Wytheville's process to go with the DMV process. Mayor Crewe explained that it comes from the Public Works Committee with a motion that it be adopted on first, but not yet final, reading, if he understands the motion correctly. He advised it is coming from a Committee, and it already has a second. Mayor Crewe inquired if there is any discussion on the ordinance as proposed. 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., H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Mayor Crewe stated the ordinance is approved on first, but not yet final, reading.

**RE: SPECIAL EXCEPTION PERMIT – VIRGINIA RECYCLING**

Mayor Crewe stated the next agenda item is to consider the issuance of a special exception permit to Virginia Recycling to operate a recycling center at 1290 West Pine Street, which is located on the north side of Pine Street between 22<sup>nd</sup> and 24<sup>th</sup> Streets, in a B-2 Business District. He noted this was the subject of the public hearing that was held earlier. Mayor Crewe stated it just dawned on him and he forgot, and advised Mr. J. B. Willis that he has attended the Council meetings enough times to know, but noted that Mr. Willis is signed up to speak on the rezoning and not on this topic, and advised he did not want to cut him off if he missed him. He stated he wanted to make sure he did not misunderstand what Mr. Willis had indicated on the sign up sheets. Mayor Crewe continued that the Council has before them the recommendation from the Planning Commission that has four stipulations and then two normal provisions. He explained that the recommendation for the special exception permit is that it be granted with the stipulations that (1) The hours of operation shall be 9:00 a.m. – 5:00 p.m. Monday – Friday; and, 9:00 a.m. - 1:00 p.m. Saturday; (2) This permit shall be in effect for a period of two years at which time it shall be reviewed by the Planning Commission for renewal; (3) Cardboard shall be stored in an enclosed trailer or shall be stacked uniformly and covered with opaque material; (4) Town staff shall inspect the property every six (6) months to determine if Virginia Recycling is following the stipulations of the special exception permit and shall report their findings to the Planning Commission; (5) The special exception permit shall be granted with the property. Mayor Crewe advised that this means the special exception permit would go with the property and not the individual owner or individual lessee; and, (6) Failure to comply with these conditions shall be grounds for rescinding this special exception permit. A motion was made by Councilman Lambert and seconded by Councilman Jones to approve the issuance of a special exception permit to Virginia Recycling to operate a recycling center at 1290 West Pine Street, which is located on the north side of Pine Street between 22<sup>nd</sup> and 24<sup>th</sup> Streets, in a B-2 Business District. Mayor Crewe inquired if there is any discussion on the motion. Councilman Jones advised that the Council heard some of the concerns at this meeting as well as at the Planning Commission meeting. He stated he thinks the thing with the special exception permit that is important to remember is it does give the Town a lot more leeway with respect to ensuring that Mr. Denson follows what he is supposed to do. Councilman Jones noted the other thing that was discussed at the Planning Commission meeting was traffic. He stated the Town does not know how that will develop, but, obviously, if traffic becomes a problem, the Town will have to review it and have the Town police monitor it to make sure the Town is not creating a problem there. Councilman Jones advised that he understands the concerns of the citizens, but most of this will be indoors, and as long as Mr. Denson takes care of the things that will be outdoors, hopefully, it will look good. Mr. Jones remarked that he knows, having worked for Pendleton Construction, that construction yards are a lot messier than what Mr. Denson is going to have. Mayor Crewe thanked Councilman Jones for his comments. He inquired if there is any other discussion. Councilman Lambert inquired if there is a projection of the traffic flow that will be generated by this. Mayor Crewe noted that a projection of the traffic flow is not in any of the information that was presented to the Planning Commission that he has seen. Councilman Jones noted it is hard to determine the amount of traffic until Mr. Denson has opened his business. Mr. Denson noted he could give the Council somewhat of an idea. He indicated that the traffic would be relatively slow in the beginning. He explained that he has a friend in Martinsville who has a very large recycling center, and he was over there about six weeks ago,

and his friend noted that he had 50 customers that day. Mr. Denson pointed out that his friend owns a huge recycling business. Mayor Crewe thanked Mr. Denson for his comments. Vice-Mayor King inquired if this recycling will be like the truck that was at the Big Lots Shopping Center in the corner and inquired if this was a Virginia Recycling truck. Mayor Crewe answered that what Vice-Mayor King is thinking of is Reynolds Aluminum that is buying aluminum. Councilman Jones noted that is correct. Mayor Crewe pointed out that all Reynolds Aluminum is buying is aluminum. He 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., H. Judson Lambert. Against: None.

Mayor Crewe stated the special exception permit is granted and in effect immediately. He noted the Council looks forward to working with Virginia Recycling, and the Town will monitor this. Mayor Crewe indicated that he did not tell everyone, but for those who do not know, what the Council has in their packet are the minutes and the recommendations that the Planning Commission provided, and it includes their report and their minutes in addition to what the Council heard at this meeting.

### **RE: PLANNING COMMISSION RECOMMENDATIONS**

Mayor Crewe stated the next agenda items are to consider several recommendations from the Planning Commission. He noted there are several recommendations that will need to be set for a public hearing. Mayor Crewe advised that they include: (1) The request of Mr. Gary Lawson for the rezoning of property located on the north side of West Lee Highway between Petunia Road and Laurel View (former Horseshow Grounds) from A-1 Agricultural to B-2 Business; and (2) The request of Mr. Gary Lawson for a special exception permit to allow a contractor's office, equipment storage, and equipment rental on property located on the north side of West Lee Highway between Petunia Road and Laurel View (former Horseshow Grounds). Mayor Crewe advised that both of these would need to be scheduled for a public hearing, which could be advertised properly and be held at the meeting on April 9, 2007, at 7:00 p.m. He inquired if anyone has any objections to scheduling these for April 9, 2007, at 7:00 p.m. It was the consensus of the Town Council to set a public hearing for the April 9, 2007, Council meeting to consider these two requests.

Mayor Crewe noted that it will, likewise, be necessary for the Town Council to hold a public hearing to consider an amendment to Article XVI – General Provisions, by adding Subsection 16-16, Buffer Yard Regulations, of the Town of Wytheville Zoning Ordinance. He noted this will also require a public hearing that could be held on April 9, 2007, at 7:00 p.m. Mayor Crewe inquired if anyone has any problems with scheduling this public hearing for April 9, 2007, at 7:00 p.m. It was the consensus of the Town Council to schedule a public hearing for April 9, 2007, at 7:00 p.m. to consider an amendment to Article XVI – General Provisions, by adding Subsection 16-16, Buffer Yard Regulations, of the Town of Wytheville Zoning Ordinance.

Mayor Crewe stated it will also be necessary to hold a public hearing to consider an amendment to Article XI – Business District B-2 (General), Section 11-5; Article XI-A - Business District B-2 DT General Business District - Downtown, Section 11-5A; Article XII – Industrial District M-1, Section 12-6; Article XII-M - Industrial District M-1M, Section 12-6M; Article XIII – Industrial District M-2, Section 13-7, of the Town of Wytheville Zoning Ordinance regarding building height regulations. He noted unless the Council disagrees, this public hearing could also be scheduled for the April 9, 2007, meeting at 7:00 p.m. It was the consensus of the Council to schedule this public hearing for April 9, 2007, at 7:00 p.m.

### **RE: TUSKEENA WYTHEVILLE CENTER, LLC SUBDIVISION**

Mayor Crewe advised that the last recommendation is to consider the request of Tuskeena Wytheville Center LLC for final approval of the subdivision of the Lee Hy Shopping Center property (former Big Lots Shopping Center) located on the north side of East Main Street between Cassell Road and the Mountain View Square Shopping Center, in a B-2 Business District. He noted there are a number of items yet to be done. Mayor Crewe indicated that the Council has the recommendation of the items that need to be completed. He noted the recommendation is to grant approval of the subdivision with the stipulations listed, and he noted there are ten stipulations. Mayor Crewe advised that if this subdivision is approved, their plat cannot go on record, and Town Council's approval would be contingent upon the applicant complying with these ten stipulations, which include: (1) All deeds for individual tracts would be required to be reviewed by Town staff and include responsibility for stormwater management, easements for access and blanket easements for utilities such that any utility repair serving other portions of the shopping center could be repaired or improved as long as the area was repaired to its original condition. Deed review for each parcel would be required before final technical compliance could be achieved; (2) The parking meets the requirements of the Zoning

Ordinance for each tract based on the buildings presently on the tracts; (3) Easements for access to the Movie Starz lot (Out Parcel #3) needs to be shown on the plat and recorded in the deed; (4) Reciprocal parking lot agreements and joint use and maintenance agreements must be included in the deeds for each parcel; (5) A mutual maintenance agreement and easement be required for the stormwater detention area and noted on the plats and recorded in the deeds; (6) Landscaping islands be approved with provision that the landscaping provided meets the intent of the ordinance and that cleanup of the perimeter landscaping and alternative landscaping proposals at the perimeter be at the approval of the Zoning Administrator; (7) Known utilities are shown on the subdivision plat; (8) Provide affirmation that the Building Code will be met where the property line divides the building (parcel 2 and parcel 1), and that requirements for handicapped parking, access, etc. be met; (9) Approval of the Board of Zoning Appeals, if required, for reciprocal parking; (10) The general revision of the plat to include pertinent information only. A motion was made by Councilman Jones and seconded by Vice-Mayor King to approve the request of Tuskeena Wytheville Center LLC for final approval of the subdivision of the Lee Hy Shopping Center property (former Big Lots Shopping Center) located on the north side of East Main Street between Cassell Road and the Mountain View Square Shopping Center, in a B-2 Business District, with the ten listed stipulations. 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., H. Judson Lambert. Against: None.

Mayor Crewe inquired of Mr. Willis if that was what he was just looking for were the public hearings to be scheduled for the rezoning of the Horseshow Grounds and inquired if he was reading Mr. Willis' notes on the signup sheet correctly. Mr. Willis advised that is correct.

#### **RE: PLANNING FOR TOWN OF WYTHEVILLE**

Councilman Lambert stated it has been a concern of his for some time, as the Town is in the period of this growth and progression, that practically every time the Town has a project of any magnitude, some part of the charm and beauty of the town is lost. He noted a prime example is the lighting at the Red Roof Inn. Councilman Lambert inquired if the Council has seen what they have done there. Mayor Crewe noted that he has seen it, but he has not paid that much attention to it. Councilman Lambert noted it has been lit with a lot of poles, overhead wires, etc. He pointed out that if the Town is going to promote the community as a nice place to live and a tourist attraction, he thinks the Town needs to pay attention to these details. Councilman Lambert advised that perhaps one way to do this would be to have any developer who proposes to do something to provide the Town with a schematic and architectural drawings to show what the lighting is going to be, etc. He pointed out that these things are slipping away from the Town. Councilman Lambert stated as the Council may recall, there was a letter to the editor in *The Enterprise* concerning the retaining wall and the fencing on North Fourth Street. He indicated that he thinks this is typical of what is happening. Councilman Lambert advised that sometimes he feels like he is two steps behind this as a councilmember. Mayor Crewe indicated that Councilman Lambert's points are well taken. He advised that the only comment he would make is that at some point that information is delivered, but it is late in the game by the time the developer gets a building permit, etc., and this is where that kind of detail would actually come forward and inquired if that is correct and if that is when the Town would usually see it. He stated that the Town would see some schematic sketches of the subdivisions and proposals and where the stormwater and all that goes, but in terms of what the buildings would look like, that is rather late in the process when the Town sees it and inquired if that is correct. Town Manager Sutherland advised that Town staff probably needs to give this some thought because he is not sure exactly where the Town would require the developer to submit a set of plans. He explained that there are ways around that, and indicated he knows there are communities that have regulations with regard to lighting, how the lumens are put out, and, obviously, if the Town is going to review how many lumens, the Town will have to see a lighting plan. Town Manager Sutherland indicated that he thinks there are ways around this that would require the submittal of some of these things. He advised that Town staff can certainly look at this. Councilman Lambert inquired if there is a general agreement that this should be an area of concern by the Town Council or if he is the only person concerned about this. Mayor Crewe answered that he is concerned about this. He noted that the Town has had some good and bad examples of how things have worked out. Mayor Crewe indicated that he thinks Councilman Lambert is correct that the Town needs to pay more attention to it and ask for things earlier on rather than later on. Vice-Mayor King stated she would guess that the developers had to purchase a permit to do something, but advised that the Council does not often see the reports on the permits until the end of the month. Town Manager Sutherland indicated that if the developers are not violating a regulation, there is nothing Town staff can do. He noted, for example, there would be no regulation to trigger a review. Town Attorney Kaase advised that the process needs to be changed earlier. Councilman Lambert advised that this could be so, but part of this may be the failure that the Town has communicated to these people that this is what it wants the community to be. He remarked that it may be that a conversation or some approach prior to the act would

be in order, and the Town could prevent some of these things from happening. Mayor Crewe stated this is where he went back to, and the Council may want to look at the Town's process and try to put this kind of an evaluation on the front end rather than the back end when the building permit is issued. He noted he can give the Council the pros and cons, and the Town has done this a time or two, and the people do not want to spend the money to tell the Town what a building is going to look like until they have a tenant already signed to lease the building and ready to move in, and sometimes the tenants have architectural requirements. Mayor Crewe advised that, for example, they were talking about the Taco Bell and the Kentucky Fried Chicken building, and noted that this building was going to look like that no matter what the Town wanted because that is the way they are constructing their buildings. He remarked that other than something like that, if the Town knew something earlier on rather than later on, the Town may be able to impact it rather than just react that the building meets building codes and it is legal as opposed to something else. Town Manager Sutherland advised that he knows one topic that the Planning Commission will or has generally discussed is the retaining wall issue, which is a popular thing now. Assistant Town Manager Moore interjected that they have also discussed entrance corridor requirements for the corridors leading into town. Mayor Crewe advised that some of this is under consideration and in the works. He indicated that he will go back to the term "low impact development." Mayor Crewe stated that low impact development was something the Town had never tried before and never heard of until they became educated on it and learned how to do the low impact development, which is a whole different way of handling stormwater runoff. He noted that it works, but the Town had never done it before. Mayor Crewe advised that this may be something similar, and the Town just needs to look at the process and see how it can be changed a little or a lot, depending on what it needs to get that kind of information up front. He noted there will be a lot of resistance from developers not wanting to tell the Town early on because they do not know, but it seems to him there should be some balance to get this type of information to have some control. Mayor Crewe remarked that the standard one that the Town always hears, and noted he has seen this in litigation lots of different times back when they were doing it is, for example, when Wal-Mart came to town and there were all the web pages of enemies of Wal-Mart and friends of Wal-Mart going back and forth, and it was always said that Wal-Mart builds a Wal-Mart superstore, and that was what it was going to look like. He noted there have been several localities he is aware of where Wal-Mart built a building that was, for example, a brick façade and looked like the rest of the shopping center, and did not look anything like a Wal-Mart. Mayor Crewe reiterated that there are ways of impacting some of this, and the Town just needs to know about it earlier on rather than later on to see about it. Town Manager Sutherland pointed out that Wal-Mart put the stone veneer on the front of the building in lieu of just block. Mayor Crewe advised that the Wal-Mart developers were good to work with, and they were flexible, and a lot of them are not. Councilman Lambert noted that is true, but remarked that he would suspect those businesses want to have a good relationship with the community, and if they know the Town has a particular interest, they would probably be inclined to at least consider it. Mayor Crewe stated he thinks this is a good point. Town Manager Sutherland noted that he agreed and advised that it does not hurt anything to ask. Mayor Crewe advised that this is correct, especially when the Town has something they want such as the approval of their plat, their subdivision, their rezoning, their special exception permit, or a building permit. He summarized that he thinks this is something the Town should review. Mayor Crewe thanked Councilman Lambert for bringing up this matter.

#### **RE: ADJOURNMENT**

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:35 p.m.).

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Trenton G. Crewe, Jr., Mayor

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Sharon G. Corvin, Chief Deputy Clerk

## **BUDGET AND FINANCE COMMITTEE REPORT**

**MARCH 12, 2007**

1. Under the Town's current regulations, peddlers, who are also known as itinerant vendors, are required to purchase a \$500 per year license for the privilege of conducting their sales within the corporate limits of the town of Wytheville. The \$500 license fee is the maximum fee permitted under State law. This past week, there was a situation where the peddler had, in fact, obtained the appropriate license from the Town, but had more than one location where merchandise was being sold. For regular businesses within the town of Wytheville, each individual location of a sales or service activity requires a separate permit. We contacted the Virginia Department of Taxation to inquire if there were any specific regulations that would prohibit a peddler from having multiple locations within the town under the same business license. The Department of Taxation advised that they had no regulations that would limit the number of sales sites, but they were of the opinion that this limitation could be imposed by local ordinance. Our Committee discussed this matter at our meeting on Thursday morning, and we feel that it is worthwhile to explore a revision to our existing regulations that would limit a peddler to one sales site per license. We are not prepared at this point to offer an amendment to the ordinance, but did want to make the Council aware that we were attempting to formulate this new regulation.
2. After many years of planning and two years of construction, the Town's new Community Center is preparing to open. An inspection was conducted on the building, and it was declared substantially complete on March 1 of this year. Being substantially

complete means that we have taken possession of the building, though some minor corrective work still needs to be performed. A ribbon cutting ceremony has been scheduled for Saturday, March 24, at 11:00 a.m. Following the ceremony, there will be opportunities for citizens to tour the new facility and to purchase pass plans for the use of the new recreation center. Additional tours of the facility will be conducted on Monday through Wednesday, March 26 through 28, and, likewise, people will have the opportunity to purchase a pass plan. The building will officially open for regular business on April 2.

We are very excited about this new facility being opened, and we are confident that our citizens will be very proud of this new facility.

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Jacqueline K. King

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John W. Jones, Jr.

## **PUBLIC WORKS COMMITTEE REPORT**

**MARCH 12, 2007**

1. Later this evening, the Council will consider an amendment to the Town Code regarding removal of inoperative motor vehicles within the town's limits. Currently, the Town Code provides for the removal of inoperative motor vehicles, but the process is slightly cumbersome. As we have discussed before, there are opportunities for the Town to participate in programs with the Department of Motor Vehicles that will greatly facilitate our efforts in ridding the town of these nuisance vehicles. As a matter of fact, we have had a number of inquiries from surrounding communities regarding our potential to participate with the DMV in these programs. Since many citizens may not have had the opportunity to review these new regulations, we would suggest that the ordinance be considered on at least two, if not three, readings. This will give interested citizens the opportunity to review the regulations and make comments. However, if there is no particular interest or no comments are received, the ordinance could be adopted on two readings.
2. We have received an inquiry this past week from a merchant on Main Street who asked that parking be enforced on Main Street on Saturdays. Several years ago, the decision was reached to relax the enforcement of parking along Main Street primarily due to problems the Millwald Theater was having

with its matinees on Saturdays. Normally speaking, there are limited numbers of vehicles parked on Main Street on Saturdays. Therefore, up till now, there have not been any problems. We have reviewed this matter and continue to find that there are spaces available along Main Street on Saturdays, though they may not be available directly in front of a specific store. It would be the suggestion of the Public Works Committee that we take no action to increase enforcement on Main Street, though we do agree we will continue to monitor the situation to see if additional enforcement is warranted.

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William B. Weisiger

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H. Judson Lambert