

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, APRIL 9, 2007, AT 7:00 P.M.**

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

Members absent: None

Others present: Town Manager C. Wayne Sutherland, Jr., Town Clerk Sharon P. Hackler, Town Attorney Robert P. Kaase, Police Officer Chris Irvin, J. B. Willis, Benny Lynn, Keith Storms, Agnes Eades, Coleman Shuler, Mark Boenke, Jeff Harman, Patty Harman

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 Vice-Mayor King followed by the Pledge of Allegiance led by Councilman Jones.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of March 26, 2007. A motion was made by Vice-Mayor King and seconded by Councilman Lambert to approve the consent agenda consisting of the minutes of the regular meeting of March 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., William B. Weisiger, H. Judson Lambert. Against: None.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period. He advised that the Council is always glad to see citizens at the meeting.

Mr. Keith Storms was recognized and stated he understands he has about five minutes to address the Council and inquired if that is correct. Mayor Crewe stated that is correct. Mr. Storms indicated that he brought a few handouts that he would like to quickly review. He stated he only has five copies. Mayor Crewe advised that the Council could share, and it is not a problem. Mr. Storms remarked that he would like to state one quick comment. He noted he just left his second workout at the new Community Center, and he wanted to state what a great addition to the community this facility is. He noted that the new Community Center is extraordinary. Mr. Storms pointed out that the new Community Center will not only help the community's physical health and welfare, but it really is a community center, and noted that he thinks it is a community builder for this community. He stated it has many great assets that it provides, and it is just a great facility. Mr. Storms summarized that he wanted to tell this to the Council.

Mr. Storms advised that his comments are about thinking about some additional planning for the entry corridors. He stated some of the Council may have seen his letter to the newspaper editor, which was published a couple of months back. Mr. Storms explained that what provoked his letter was looking at some of the recent development, the new Kentucky Fried Chicken in

particular with the chain link fence that was on top of the retaining wall on Fourth Street. He noted this provoked his thinking into kind of wondering how proactive the Town is being about the development at the entry corridors. Mr. Storms remarked that he received many positive comments back about his article. He stated a lot of folks thought it was about the chain link fence. Mr. Storms commented that the chain link fence is really just a symptom of something that he thinks the Town should really be paying attention to, and that is making sure the Town is taking care of the entryways and gateways to the community. He explained that since that time, he has done a little more research. Mr. Storms noted that if the Council looks at the first item, it is something he copied off of Google. He noted he thinks the Town should be thinking specifically about the entry corridors at the main exits into the community and doing some specific planning for those areas as gateways into the community. Mr. Storms advised that he thinks those areas are really critical assets for the community, and they represent the town to so many of the visitors that come into the area, and they come through those gateways. He noted that what the Town develops at those areas will be the visitors' first impression of the community. Mr. Storms inquired as to how the Town can take advantage of that opportunity as those sites get developed so that when visitors come into this area, they see that something is going on here and this is a nice place, and they may desire to check out the downtown and to possibly stop in Wytheville on their way back or whatever. He noted the Town could let them know that this is not just another pit stop along I-81. Mr. Storms remarked that since that time, he has done a little bit of checking, and talked with some of his planning friends. He noted that he is an architect. Mr. Storms stated it was brought to his attention that Abingdon has recently done a gateway corridor entry plan as part of their overall Comprehensive Master Plan. Mr. Storms explained that what the plan does basically, and noted these are just a couple of excerpts from that plan, but they have adopted an overlay district for their gateway entrances into their historic downtown off of I-81. He noted they have special planning guidelines for those corridor areas that create entrances off the I-81 corridor. Mr. Storms indicated that there are a couple of examples of what that planning involves. Mr. Storms remarked that in the plan, Abingdon is highlighting the areas that are shown as those entry corridor districts, and then he presented an example of some of the planning initiatives from an initial workshop that went into that planning. He noted that as he understands, this plan has not been adopted, but Abingdon lent him these materials as an example to show what might happen in town. Mr. Storms remarked that he wants to be clear that this goes beyond the aesthetics, and this is about taking care of the resources both from a stormwater standpoint, from a natural resources standpoint, and thinking about light fixtures and light pollution, and the landscaping, as well as signage and presenting a front door to the interstate that shows that the Town of Wytheville has things straight, and the Town thinks about the resources and that everyone uses them to the best potential. He noted one particular item in this last handout, and noted he thinks it is particularly effective, and requested the Council to look at the last item, and this was another part of that study which gives an example of how the current condition is for one of the entry corridors. Mr. Storms remarked that Abingdon did a brief computer overlay of what that might look like with street trees planted. He noted that, again, this is a few years down the road, but it is thinking ahead a few years. Mr. Storms stated that another option is if the Town added a center isle to the street is to landscape it. He noted these are what the opportunities and development would be in terms of thinking about landscaping, street trees, how signage is handled, lighting, and those types of things. Mr. Storms advised that what he wants to state is he feels like these are very important to the Town's planning and they need to have some special attention, as he said before. Mayor Crewe thanked Mr. Storms for his thoughts and his efforts and for coming to share them with the Council. He stated the Town has been thinking about this for awhile, and the Planning Commission is looking at it. Mayor Crewe noted that the Council will share these additional thoughts. He noted that, ultimately, and noted that this is him personally speaking, whatever the Town does will take a change in the ordinances, and, ultimately, this is a Town

Council decision, but the Planning Commission is looking at this and considering some of the different options. Mayor Crewe noted that this information will be very helpful, and the Council will pass this along and make sure the Planning Commission is aware of this information. He thanked Mr. Storms for bringing this information to the Council. Mayor Crewe noted that he did not know if any of the other Council members would like to state anything, and advised that he is only speaking for himself. Councilman Jones remarked that the corridors are the topic of discussion at the Planning Commission meeting on Thursday night. He stated the Commission is starting to look into this because they recognize that Williamsburg already has one adopted. Councilman Jones reiterated that this is something the Planning Commission is going to be considering, but advised it is probably going to be a slow process because it does require a little bit of support and cooperation from all the businesses along that way. Mr. Storms noted that this is correct. Councilman Jones reiterated that the Planning Commission is reviewing this. Councilman Lambert advised that he hopes the Town can move with all deliberate speed because he thinks that time is of the essence before the situation deteriorates further. He noted that he appreciates Mr. Storms' comments and thanked him for appearing before the Town Council. Mayor Crewe thanked Mr. Storms for his concerns. Mr. Storms remarked that one other thing to pass along is he is not an expert in this, and this is from some planning friends who offered this to him. He stated there are several conduits for this in terms of grants. Mr. Storms pointed out that VDOT has several options on that, and they have given him a list. He stated there are monies available to do the planning and implementation. Mr. Storms remarked that he knows the Council is considering many things with the budget, as always, particularly with the Community Center, and weighing the priorities. He reiterated that there are some grants available to help with the corridor entry. Mayor Crewe inquired as to when would be an appropriate time for Town staff to get those funding sources from Mr. Storms. Town Manager Sutherland indicated that Town staff is aware of the funding sources. He noted it is a typical VDOT Enhancement Grant, and the Town may get it in five years. Town Manager Sutherland remarked that if the Council desires to do this, Town staff can make the application, but if the Council wants to do this, they may want to think about their own funding because waiting for an enhancement grant to come could take forever. Mr. Storms remarked that from what they tell him, a study like this is about \$15,000 for their efforts in terms of the plan, and, then, of course, there is the implementation, but this could be handled as part of the development, when it is a new situation, as the Council is aware. Mayor Crewe thanked Mr. Storms for his comments.

Mayor Crewe inquired if there were others who desired to address the Council during Citizens' Period.

Mr. Coleman Shuler was recognized and stated he just had two questions he needed to ask of Council. He thanked the Council for allowing him to appear before them. Mr. Shuler stated his first question is he needed to know when he would receive the information he requested at the first Council meeting of the year, back in January of 2007. Town Manager Sutherland noted he had forgotten the information requested by Mr. Shuler and asked him to refresh his memory. Mr. Shuler remarked that it will be in the Town Council minutes, but he made a very detailed list of all the specific information he was asking for, and noted he did not bring the list with him. He noted if Town staff will refer back to the minutes, it is verbatim in there. Mr. Shuler advised that like he stated, he has been sick a good part of that time, and just barely making it from one day to the next, but remarked that he figured it would take a while to get it. He noted he knew the Town had the Community Center and everything going on. Mr. Shuler stated since it has been three months, he thought he would at least ask again when he would be getting the information. Town Manager Sutherland remarked that the Town will get Mr. Shuler a response. Mayor Crewe noted that he will double check, but noted he believes Mr. Shuler has gotten a response, and the response is it would require a prepayment because the information that Mr. Shuler is

seeking is extremely time consuming to collect. Mr. Shuler inquired as to when he received a response. Mayor Crewe noted that he will check and see, and advised that he understood that Director of Public Safety Newberry had informed Mr. Shuler of this, but indicated that he will find this out. Mr. Shuler inquired as to how Mr. Newberry informed him. Mayor Crewe stated he believes that Mr. Shuler was told verbally, and remarked that this is what he has been told, but remarked that he will find out. Mr. Shuler inquired if he was told verbally by Mr. Newberry, he has not seen him. Mayor Crewe stated that the Town will give Mr. Shuler a response, and advised Mr. Shuler that he is entitled to a response and he will receive one. Mr. Shuler noted he would like to give the Town Council his telephone number. He stated he thinks he put it on the information that he presented the last time, but advised he does not have a landline phone, and it was disconnected last year when he was unable to pay the bill. Mr. Shuler advised that his telephone number is 620-5975. He noted that, of course, this is a cell phone. He reiterated that it is 276-620-5975. Mayor Crewe thanked Mr. Shuler for the information. Mr. Shuler pointed out that if the Council, Town staff, or anyone in the audience needs to call him day or night, please feel free to call him. He noted he is not always in the cell area, and stated he is sure the Council cannot always answer their phone, or they might be on another line, but anybody who needs to talk to him for anything or if some emergency comes up, feel free to call him. Mr. Shuler pointed out that he never minds being called. Mr. Shuler indicated that, of course, the Town has his mailing address. Mayor Crewe stated that is correct. Mr. Shuler thanked Town Manager Sutherland and Mayor Crewe. Town Manager Sutherland reiterated that the Town will get Mr. Shuler a response.

Mr. Shuler advised that the second question he had is what does he need to do to get Council's approval of the bill he presented at the last meeting for \$14,999.07. Mayor Crewe noted that the answer to this is the Council will await any decision by the court before making any attempt to address that bill. Mr. Shuler inquired as to how that bill relates to the court. Mayor Crewe answered that the Town has litigation pending involving some of those matters with that bill. He noted he did not think the Town will be responding to it until the court cases are over. Mr. Shuler stated it is similar, and thanked the Council. Mr. Shuler inquired if it would be possible to get a written response enumerating that and inquired if that is acceptable since he presented the bill in writing. Mayor Crewe remarked that Mr. Shuler did not go through the proper channels to submit the bill. Mr. Shuler stated that this is what he was asking and noted that this was his question. He inquired what he would need to do, and he figured since he had submitted.... Mayor Crewe interjected that the Town has litigation pending in which the Town is a party and Mr. Shuler is a party on opposite sides of the case. He noted that Mr. Shuler has an attorney, and the Town can communicate with his attorney, and the Town cannot communicate with Mr. Shuler. Mayor Crewe explained that he believes the communication would have to be through the attorneys and that will be pending the lawsuit. He noted when the lawsuit is resolved, the bill can be addressed. Mayor Crewe remarked that he can tell Mr. Shuler that he thinks it is extremely unlikely under any scenario he can possibly fathom that the bill would ever be honored by the Town of Wytheville, and noted he is speaking for himself personally. Mr. Shuler inquired if that would be without having an itemized statement. Mayor Crewe advised that he did not think there is any process by which Mr. Shuler can bill the Town for a single thing much less what was enumerated on that bill. He stated that would have to be taken up as part of the litigation. Mr. Shuler stated alright. He inquired if the other thing is in order for the Council to communicate with him instead of the public defender, if the public defender would have to no longer be representing him in the appeal. Mayor Crewe explained that the litigation would have to be ended and would have to come to a conclusion before the Town can communicate through anyone other than Mr. Shuler's attorney. He noted that as long as litigation is pending, whether it is in Circuit Court, Supreme Court, or anywhere else, the public defender is Mr. Shuler's attorney, and the Town will be communicating through his attorney. Mr. Shuler inquired

if he is representing himself if Mayor Crewe is still stating that the Town will communicate with the attorney. Mayor Crewe advised that if there is no longer a counsel of record, then the Town could communicate with Mr. Shuler. Mr. Shuler remarked that this is all he needed to know. Mr. Shuler thanked the Council and noted he truly appreciates it. Mayor Crewe noted that Mr. Shuler is welcome. Mr. Shuler remarked that he will state again that this is no small matter to him. He noted he has come to the last two Council meetings, and for that entire consecutive two week period of time, he has felt reasonably well physically. Mayor Crewe stated that is good. Mr. Shuler pointed out that for him to feel good for two consecutive weeks, and noted he is not a world class athlete like Councilman Jones or Councilman Weisiger or Town Clerk Hackler, and noted that Mayor Crewe is a half world class athlete. Vice-Mayor King advised that Mayor Crewe climbed to the top of the climbing wall. Mr. Shuler noted that for him to wake up alive and feel semi-good, and noted in the first Chautauqua Festival, in 1970 or 1971, after he got out of his knee brace, and noted that Mayor Crewe could probably run circles around him now, but in that first festival, and inquired of Councilman Jones how long it has been since 1989. Councilman Jones noted that it has been 18 years. Mr. Shuler remarked that in whatever year it was, after he got out of his knee brace, he finished ahead of Mayor Crewe. He noted he will not tell the Council how many fit women finished way ahead of him and Mayor Crewe, but it was just a psychological boost that the Mayor is younger than him, and he finished ahead of him. Mr. Shuler advised that since then, Mayor Crewe has got buff and in shape, and Mr. Shuler noted that now he would see Mayor Crewe's dust. Mr. Shuler noted that climbing the wall is not cardio, and it is just bravery. Vice-Mayor King remarked that climbing the wall is hard. Mr. Shuler stated to trust him, that climbing the wall is hard to do. Vice-Mayor King noted she is not going to try to climb the wall. Mayor Crewe thanked Mr. Shuler for attending the meeting.

Mayor Crewe inquired if there are others who wish to address the Council during Citizens' Period. He noted he did not see anyone else on the signup sheets who wanted to address the Council and inquired if there is anyone who has changed their mind. There being no one else who desired to address the Council, Mayor Crewe proceeded with the agenda.

RE: PUBLIC HEARING – LAWSON REZONING REQUEST

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider 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. Mayor Crewe inquired if there were persons present who wished to address the Council regarding this request.

Mr. Jim Willis noted that he is attending the meeting on behalf of the Lawsons, who are the potential sellers of this property, and the Harwoods who are the potential buyers. He stated if the Council has any questions, he will try to answer them. He stated no one is attending the meeting on their behalf. Mr. Willis pointed out that he thinks everything is probably self explanatory. Mr. Willis advised that he is also representing the Lawsons and the Harwoods for the next public hearing.

Mayor Crewe inquired if there were others who wished to address the Council during the public hearing. There being none, he declared the public hearing closed.

RE: PUBLIC HEARING – LAWSON SPECIAL EXCEPTION PERMIT REQUEST

Mayor Crewe stated the meeting, likewise, constituted a public hearing (due notice having been given) to consider 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 indicated that Mr. Willis' comments are well taken for this public hearing. He inquired if there were others who wished to address the Council during this public hearing. There being none, he declared the public hearing closed.

RE: PUBLIC HEARING – BUILDING HEIGHT REGULATIONS

Mayor Crewe stated the meeting also constituted a public hearing (due notice having been given) 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 this would change the allowable building height from 50 feet to 75 feet. Mayor Crewe inquired if there were persons present who wished to address the Council during this public hearing. There being none, he declared the public hearing closed.

RE: PUBLIC HEARING – BUFFER YARD REGULATIONS

Mayor Crewe indicated that the meeting constituted a public hearing (due notice having been given) 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 inquired if there were persons present who wished to address the Town Council during this public hearing. There being none, he declared the public hearing closed.

Mayor Crewe noted that soon in the meeting, the Council will consider all four of these matters. He requested those people interested in these topics to not leave the meeting yet.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. Both Council Committees will meet on their regular day and time this week and next week. Councilman Weisiger advised that he will be unable to attend the Public Works Committee meeting next week. Councilman Jones inquired if Councilman Lambert will be joining the Budget and Finance Committee. Councilman Lambert stated he will attend the Budget and Finance Committee meeting next week. Town Manager Sutherland noted that the Public Works Committee meeting scheduled for next week will be cancelled. Mayor Crewe advised that he will be unable to attend the Budget and Finance Committee meeting this week since he has to be in Richmond on Thursday morning.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, reported that the Town has received a letter from the Wythe Arts Council, Ltd. seeking action by the Town on a number of matters relating to the annual Chautauqua Festival. She noted that a copy of the letter from the Wythe Arts Council is enclosed, and the Arts Council is completing the necessary paperwork for the Request for Waiver of Fees through the Community Center. Vice-Mayor King advised that this year, the opening parade will be held on June 16, and the final day of the Festival, including fireworks, will be held on Saturday, June 23. She noted that again this year, the Arts Council

has requested that certain fees for the use of the Park and the Community Center be waived as well as certain Business License fees. Vice-Mayor King indicated that the Committee has reviewed the requests by the Arts Council and finds them to be essentially the same requests that have been made for many years. She stated the Committee does not anticipate a problem with any of these items. Vice-Mayor King advised that the Committee would note that the Town has, again this year, applied for grant funds on the Arts Council's behalf. She explained that as such, for all of the areas where fees are being requested to be waived, the Arts Council will need to pay these fees (up to \$5,000) and then be reimbursed by the Town, provided they receive the grant funds. Vice-Mayor King indicated that the Town applauds the Wythe Arts Council's continued efforts in bringing quality entertainment to the citizens. She stated it is the recommendation of the Budget and Finance Committee that the Council approve the request of the Wythe Arts Council with the stipulations noted earlier and contingent on the receipt of the Request for Waiver of Fees application. A motion was made by Vice-Mayor King and seconded by Councilman Jones that the Council approve the request of the Wythe Arts Council with the stipulations that for all of the areas where fees are being requested to be waived, the Arts Council will need to pay these fees (up to \$5,000) and then be reimbursed by the Town, provided they receive the grant funds, and contingent on the receipt of the Request for Waiver of Fees application. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

Vice-Mayor King also reported that in a recent Council meeting, the Council discussed the need to make certain revisions to the Town Code with regard to the license tax for peddlers and solicitors. She noted that last month, there was a peddler who had obtained the appropriate license, but who had multiple locations in town on the same license. Vice-Mayor King stated that there are no provisions within the Town's existing Code that would preclude this type of arrangement. She noted the Committee does not think it is equitable to local merchants to allow an itinerant vendor or peddler to have multiple sales locations on the same license. Vice-Mayor King remarked that the Town has conducted research to determine if other localities throughout Virginia address this situation. She noted the Town did, in fact, find that there are many locations in Virginia that have imposed additional standards on peddlers and solicitors. Vice-Mayor King remarked that the Town found that the City of Suffolk had implemented certain regulations that differentiated between the type of sales a peddler was conducting and, also, set forth different standards for the number of locations. She noted that while there are certain revisions that the Committee would want in the Town's local ordinance, the Committee does think that the City Code of Suffolk parallels, to a large extent, the regulations the Town would want to impose. Vice-Mayor King remarked that the Committee will have developed, by the next meeting of the Council, an ordinance which can be considered that will more closely regulate the license tax for peddlers. She stated that, hopefully, the Committee will have this draft ordinance available to both Committees for review prior to the next meeting. 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, reported that the Committee mentioned, several months ago, that the Virginia General Assembly had mandated the development of local and regional water supply plans throughout the Commonwealth and directed that the State Water Control Board would administer the program. He advised that the purpose of this study is to determine the water sources that are available within Virginia, to assess the quantities of water that are currently being consumed, and to project the need for

water in the future. Councilman Weisiger noted that the Mount Rogers Planning District Commission requested all local governments within their service area to perform the study cooperatively as a region. He stated that all counties and towns within the Mount Rogers Planning District Commission service region agreed, and a consultant was retained to perform the study. Councilman Weisiger explained that one component of the study requires all local governing bodies participating in a regional effort to adopt a resolution authorizing the Planning District Commission to perform this work. He noted that in addition, each participating jurisdiction has been requested to provide up to \$1,000 in cash or matching in kind staff services towards the efforts. Councilman Weisiger advised that the Committee has attached, for the Council's consideration, a resolution setting forth the topics that the Committee has just discussed. He stated it would be the recommendation of the Public Works Committee that this resolution be adopted and forwarded to the Mount Rogers Planning District Commission. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to adopt the resolution authorizing the Mount Rogers Planning District Commission to perform the work and that it be forwarded to the Mount Rogers Planning District Commission. Mayor Crewe stated the Council will note that the resolution contains the language about up to \$1,000 in matching cash or in kind services. He inquired if there is any discussion on the resolution. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: ORDINANCE NO. 1211 – LAWSON HORSESHOW GROUNDS REZONING REQUEST

Mayor Crewe presented Ordinance No. 1211, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone from A-1 Agricultural to B-2 Business property located on the north side of West Lee Highway between Laurel View and Petunia Road (former Horseshow Grounds property) on first reading. He noted this ordinance is the result of the first public hearing. He advised that the Council has in their package Ordinance No. 1211 that would grant the rezoning on first reading. Mayor Crewe inquired if there is a motion. He noted that the Council has the information in their package from the Planning Commission as to the action they took. Mayor Crewe noted he would remind the Council that a little later on the agenda, the Council has the special exception permit for the same property. Mayor Crewe inquired if there are any motions concerning Ordinance No. 1211, which would be to rezone the former Horseshow Grounds. Town Manager Sutherland explained that one topic that did come up subsequent to the Planning Commission meeting was the potential for the Council to consider granting a special exception permit and not necessarily rezoning the property. He noted this would give Mr. Gary Lawson and/or Mr. Billy Harwood the ability to perform all the activities that he wanted on the property without actually rezoning the property. Town Manager Sutherland advised that he did not know if the Council wanted to pursue that or not, but that would be an option. Mr. Jim Willis asked Mayor Crewe and Town Manager Sutherland to help him with this. He stated when they started this, they had asked for the wrong classification of rezoning on this property. Mr. Willis advised that they had to go back and change it. He noted he was of the impression that they changed it to the lesser restrictive of the B-1 Business and the B-2 Business. He noted he is not sure which is the lesser restrictive, but advised that if he is not mistaken, they had to go back and change it because of that and inquired if this is familiar to them. Town Manager Sutherland noted that B-1 Business is more restrictive than B-2 Business. Mayor Crewe explained that the request now is for B-2 Business. Town Manager Sutherland noted that originally, they had requested for B-1 Business zoning. Mayor Crewe remarked that the other argument, and noted that there is not a motion on the floor yet, but noted they have the information there and it was alluded to in the public hearing, since they held the public

hearing, and the special exception permit would basically allow the same activities on the same property with a little bit tighter controls, have an automatic review process, and if the stipulations were violated, the special exception permit could be revoked, but a rezoning could not be revoked. He advised that these are the basic fundamental differences, and the special exception permit would have regulations with it. Town Manager Sutherland noted that as a matter of information, he thinks the original request for B-1 Business did not allow Mr. Harwood the opportunity to do all the things he wanted to do on the property, and it was revised to a B-2 Business request. Mr. Willis noted that the B-2 Business zoning will permit Mr. Harwood to do everything he desires except rent equipment, and that is why they requested the special exception permit. Town Manager Sutherland advised that is correct. Councilman Weisiger stated the other option is maybe just approving a special exception permit for the entire business and not rezoning the property. Mayor Crewe noted this is what is in front of the Council basically. Councilman Weisiger noted it is a special exception permit for part of it. Vice-Mayor King inquired if Mayor Crewe is referring to the special exception permit under Other Business. Mayor Crewe noted he can address this two ways, and advised that Town Manager Sutherland, Councilman Jones, and Town Attorney Kaase can correct him, and if the property is rezoned, it stays that way forever no matter who owns the property, and they could do things on the property besides what Mr. Harwood wants because they can do anything that is allowed by the B-2 Business District. Mayor Crewe explained that conversely, if it is a special exception permit, the special exception permit would not change the zoning, and it would run with the land, but it would permit only those activities set out in the special exception permit which is worded so as to meet everything that Mr. Harwood needs, if he understands correctly. Mayor Crewe noted that if the zoning were violated, the Town could bring a lawsuit to enforce the zoning regulations, but if a special exception permit were violated, the Town could simply revoke the special exception permit unilaterally. He explained that if the owner did not like the revocation, they could take the Town to court. Councilman Jones stated that it allows the opportunity to get the problem corrected as far as the special exception permit is concerned. Mayor Crewe noted that the landowner could correct the problem, and that is correct. Mayor Crewe advised that the only difference that Town Clerk Hackler is pointing out to him is that as currently worded in the Council's packet at this meeting, the special exception permit does not permit machinery sales and service, and this language would have to be added to the special exception permit to cover what the zoning would allow. Mayor Crewe inquired if he has elucidated or obfuscated what the Council was trying to do. Councilman Lambert inquired if someone would purchase the entire tract and request a rezoning, would that be possible, assuming for some reason or another that the business enterprise changes or fails. Mayor Crewe answered that he thinks this could be possible for any tract of real estate, with or without a special exception permit, or with or without one change in zoning. He explained that if whoever owns it or did not like the special exception permit, they could apply for relief for whatever problem there was. Councilman Lambert advised that this was his understanding. Mayor Crewe noted the way this is worded, and the way it normally works, is the special exception permit would run with the land, so the same activity that is allowed by Mr. Harwood, were he to sell it later, would be allowed by his purchaser as well because it would run with the land. Councilman Jones noted that with a special exception permit, they would have to come back before the Council to get it approved. Mayor Crewe noted that is correct, and the Council would have the chance to vote on it one more time if there is a change in ownership, and inquired of Councilman Jones if this is what he is stating. Councilman Lambert inquired if since this is a corridor to the downtown community, he favors the special exception permit because it would give the Town some control. He noted the Town may or may not want to have business development in that area in the future. Councilman Lambert advised that he would be more inclined to approve the special exception permit. Mayor Crewe inquired if there is any other discussion, because, technically, there is not a motion on the floor at the moment. He inquired if there is a motion to do anything with Ordinance No. 1211, which is the

rezoning request. There being none, Mayor Crewe explained that Ordinance No. 1211 died for lack of any kind of a motion or a second and would not be considered at this meeting. Mayor Crewe explained that he would assume that if necessary, someone could bring it back before the Council if they desired.

Mayor Crewe stated that while the Council is considering this same topic, he is going to skip on the agenda to Other Business, Item K-1, which is the request of Mr. Lawson for a special exception permit.

RE: SPECIAL EXCEPTION PERMIT – LAWSON (HORSESHOE GROUNDS)

Mayor Crewe stated the Council will now consider 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 Horseshoe Grounds). He stated if the Council approves the special exception permit, if he is understanding correctly, to the wording that is on the special exception permit in the packet, the Council will need to add "machinery sales and service." Councilman Weisiger inquired if this permit could be amended at this meeting. Mayor Crewe noted that the Council can do anything they desire. A motion was made by Councilman Weisiger to approve 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 Horseshoe Grounds) and to amend the special exception permit to include "machinery sales and service." The motion was seconded by Councilman Jones. Mayor Crewe noted the motion was to allow basically what Mr. Harwood would like to do on the property with a special exception permit. He inquired if there is any discussion on the motion. Mayor Crewe stated so everyone understands, what the special exception permit would allow is a contractor's office, equipment storage, equipment rental, machinery sales, and machinery service on that property, and it would run with the land and would be granted to the property; the hours of operation would be 8:00 a.m. to 6:00 p.m., and there shall be no hours of operation on Sunday; and, failure to comply with these conditions would be grounds for rescinding the special exception permit. Councilman Weisiger inquired if Mr. Willis saw any problems of doing it this way. Mr. Willis remarked that the only problem he has is that Mr. Harwood is not present. He noted he is not sure if Mr. Harwood plans to do anything else with the property or not, and he has plans, basically, to move his entire operation to this property. Mr. Willis advised that he knows that Mr. Harwood is anticipating a new machinery dealership in the future. Mayor Crewe stated that the special exception permit had the wording of "machinery sales and service" added to it, so that should cover that part of what he wants to do. Mayor Crewe advised that the permit allows a contractor's office, equipment storage, equipment rental, and machinery sales and service, and noted this covers everything, he thinks, that Mr. Harwood is doing right now. He noted the other option is if there is a problem, Mr. Harwood can always come back and the Council could revise it, if needed. Mayor Crewe inquired if there is any other discussion on the motion to approve the special exception permit, as amended, with the stipulations and requirements. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

Mayor Crewe noted that the special exception permit is granted, but not the rezoning request.

RE: ORDINANCE NO. 1212 – BUILDING HEIGHT REGULATIONS

Mayor Crewe presented Ordinance No. 1212, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to amend 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. Mayor Crewe noted this would increase the building height restrictions from 50 feet to 75 feet. He noted the recommendation is that the rules be suspended and this ordinance be adopted on first and final reading. A motion was made by Councilman Jones and seconded by Councilman Weisiger to suspend the rules and adopt Ordinance No. 1212, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to amend 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, on first and final reading. Mayor Crewe inquired if there is any discussion on the motion to amend the Zoning Ordinance to allow buildings of 75 feet in height, on first and final reading. There being none, the motion was approved with the following voting in favor and there being no opposition:

FOR: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Mayor Crewe stated that Ordinance No. 1212 was adopted on first and final reading and is effective immediately.

RE: ORDINANCE NO. 1213 – BUFFER YARD REGULATIONS

Mayor Crewe presented Ordinance No. 1213, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to amend Article XVI – General Provisions, by adding Subsection 16-16, Buffer Yard Regulations, on first reading. He noted this is the ordinance regarding the requirement to install buffer yards between zoning areas. A motion was made by Councilman Jones and seconded by Councilman Lambert to suspend the rules and adopt Ordinance No. 1213, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to amend Article XVI – General Provisions, by adding Subsection 16-16, Buffer Yard Regulations, on first and final reading. Mayor Crewe inquired if there is any discussion on the motion.

Mr. Jeff Harman stated they have some questions about this. Mayor Crewe thanked them for bringing this to his attention. He apologized that the Council started and was going ahead. Mayor Crewe stated the indication he is receiving is that Mr. Harman had some questions about the amendment. He noted that Mr. Harman had G-4 listed on the sign up sheet, which was the public hearing, and the Council is about to vote on that proposal. Mayor Crewe remarked that if Mr. Harman can tell the Council what his concerns are, the Council will try to answer them or do whatever they can. Mr. Harman advised that they are not sure what the buffer yard regulations are about. Mayor Crewe requested Mr. Harman to approach the microphone so the minutes will

be properly recorded and the Council can hear him. Mr. Harman reiterated that they were not sure what the meeting was about, so they came to see. He noted it was not until they arrived that they actually saw that it did not directly concern them. Mayor Crewe advised that the ordinance may or may not concern Mr. Harman. He explained that what the ordinance basically does, and noted the Council members can correct him if he is wrong, is require setback, some vegetation, and some yard between opposing districts. Mayor Crewe noted that in other words, if it is a residential district bordered by a business district, the business district would have to put some type of trees, etc. to buffer the visual boundary line between the two. He explained that in other words, there is some yard space so there is not an abrupt juxtaposition of two zonings. Mayor Crewe inquired if this is a fair summary of this. Councilman Jones advised that is correct. Town Manager Sutherland noted that at Mr. Harman's dwelling, this ordinance has no meaning, and Mr. Harman is correct in that. Mayor Crewe remarked that the only way it would affect Mr. Harman is if he is going to subdivide property and develop it. Mr. Harman advised that he has no plans of that at the time. Mayor Crewe remarked that what it would basically do, and advised he is not sure where Mr. Harman lives, is if his neighbors were to take what was a residential property and change into a business property, they would be required to have a visual barrier on their side to keep it from being a business viewpoint from Mr. Harman's side. He noted this is kind of an oversimplification, but that is what these buffer yard requirements would do. Mr. Harman noted that is fine. Mayor Crewe thanked Mr. Harman for attending the meeting, and for pointing it out that he had signed up to speak. He noted he was about to proceed without giving Mr. Harman the chance to address the Council. Mayor Crewe advised that he did not mean to cut off Mr. Harman. Mayor Crewe noted that there is a motion on the floor to adopt Ordinance No. 1213 on first and final reading. 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., William B. Weisiger, H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Mayor Crewe stated that Ordinance No. 1213 was adopted on first and final reading and is effective immediately.

RE: SPECIAL EXCEPTION PERMIT – LAWSON

Councilman Jones stated that the special exception permit that the Council approved for Mr. Gary Lawson takes effect immediately. Mayor Crewe noted that is correct.

RE: PLANNING COMMISSION MEETING

Councilman Jones noted that this Thursday night at the Planning Commission meeting, the Commission is either holding a public hearing or is going to set a public hearing about retaining walls and setbacks, etc. in order to control the walls, like Mr. Mark Boenke was suggesting. He noted he cannot remember if the public hearing will be at this meeting or the Commission will be setting a public hearing, but retaining walls are going to be discussed.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:45 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

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BUDGET AND FINANCE COMMITTEE REPORT

APRIL 9, 2007

1. We have received a letter from the Wythe Arts Council, Ltd. seeking action by the Town on a number of matters relating to the annual Chautauqua Festival. A copy of the letter from the Wythe Arts Council is enclosed, and the Arts Council is completing the necessary paperwork for the Request for Waiver of Fees through the Community Center. This year, the opening parade will be held on June 16, and the final day of the Festival, including fireworks, will be held on Saturday, June 23. Again this year, the Arts Council has requested that certain fees for the use of the Park and the Community Center be waived as well as certain Business License fees.

We have reviewed the requests by the Arts Council and find them to be essentially the same requests that have been made for many years. We do not anticipate a problem with any of these items. We would note that the Town has, again this year, applied for grant funds on the Arts Council's behalf. As such, for all of the areas where fees are being requested to be waived, the Arts Council will need to pay these fees (up to \$5,000) and then be reimbursed by the Town, provided they receive the grant funds.

We applaud the Wythe Arts Council's continued efforts in bringing quality entertainment to our citizens. It is the recommendation of the Budget and Finance Committee that the Council approve the request of the Wythe Arts Council with the stipulations noted earlier and contingent on the receipt of the Request for Waiver of Fees application.

2. In a recent Council meeting, we discussed the need to make certain revisions to the

Town Code with regard to the license tax for peddlers and solicitors. Last month, there was a peddler who had obtained the appropriate license, but who had multiple locations in town on the same license. There are no provisions within our existing Code that would preclude this type of arrangement. We do not think it is equitable to local merchants to allow an itinerant vendor or peddler to have multiple sales locations on the same license. We have conducted research to determine if other localities throughout Virginia address this situation. We did, in fact, find that there are many locations in Virginia that have imposed additional standards on peddlers and solicitors. We found that the City of Suffolk had implemented certain regulations that differentiated between the type of sales a peddler was conducting and, also, set forth different standards for the number of locations. While there are certain revisions that we would want in our own local ordinance, we do think that the City Code of Suffolk parallels, to a large extent, the regulations that we would want to impose. We will have developed, by the next meeting of the Council, an ordinance which can be considered that will more closely regulate the license tax for peddlers. Hopefully, we will have this draft ordinance available to both Committees for review prior to the next meeting.

Jacqueline K. King

John W. Jones, Jr.

PUBLIC WORKS COMMITTEE REPORT

APRIL 9, 2007

1. Our Committee mentioned, several months ago, that the Virginia General Assembly had mandated the development of local and regional water supply plans throughout the Commonwealth and directed that the State Water Control Board would administer the program. The purpose of this study is to determine the water sources that are available within Virginia, to assess the quantities of water that are currently being consumed, and to project the need for water in the future. The Mount Rogers Planning District Commission requested all local governments within their service area to perform the study cooperatively as a region. All counties and towns within the Mount Rogers Planning District Commission service region agreed, and a consultant was retained to perform the study. One component of the study requires all local governing bodies participating in a regional effort to adopt a resolution authorizing the Planning District Commission to perform this work. In addition, each participating jurisdiction has been requested to provide up to \$1,000 in cash or matching in kind staff services towards the effort. We have attached, for the Council's consideration, a resolution setting forth the topics that we have just discussed. It would be the recommendation of the Public Works Committee that this resolution be adopted and forwarded to the Mount Rogers Planning District Commission.

William B. Weisiger

H. Judson Lambert

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