

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, DECEMBER 10, 2001, AT 7:00 P.M.**

Members present: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett

Members absent: None

Others present: Town Manager C. Wayne Sutherland, Jr., Town Clerk Sharon P. Cassell, Assistant Town Manager Stephen A. Moore, Town Attorney Robert P. Kaase, Patrol Officer Dewey Clemons, Stephanie Porter-Nichols with Southwest Virginia Enterprise, Joe Sheffey, Sr., Wayne Roop, Bill Smith, Sam Jones, George Bird, Robert E. Johnson, Janet Ratcliff, Howard W. Phillips, George Johnstone

**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 Weisiger.

**RE: CONSENT AGENDA**

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of November 26, 2001, and the request of the Virginia Cooperative Extension Service for waiver of fee for use of the Community Center for pesticide recertification and for a recognition program for volunteers. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to approve the consent agenda consisting of the minutes of the regular meeting of November 26, 2001, and the request of the Virginia Cooperative Extension Service for waiver of fee for use of the Community Center for pesticide recertification and for a recognition program for volunteers. 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, Charles G. Crockett. Against: None.

**RE: PUBLIC HEARING – CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY**

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider renewing the Certificates of Public Convenience and Necessity during 2002 for Service Cab, Incorporated for the operation of taxicabs and for Blue Ridge Medical Transport, Incorporated and Guardian Ambulance Service for the operation of public vehicles. He inquired if there are persons present who wish to address the Council regarding this matter. There being none, he declared the public hearing closed.

**RE: PUBLIC HEARING – PHILLIPS SPECIAL EXCEPTION PERMIT**

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider the request of AAC, L.L.C. Howard Phillips for the issuance of a special exception permit to erect mini storage buildings in an R-3 Residential District located on the west side of North Fourth Street directly in front of Northwinds Apartments between Interstate 81 and Meadow Run. He inquired if there are persons present who wish to address the Council regarding this matter.

Mr. Howard Phillips was recognized and stated he is from Montgomery County and Pulaski County and advised that he has offices in both of these Counties. Mr. Phillips remarked that he is attending the meeting to ask for special consideration for land located on North Fourth Street, and noted he would like to build mini warehouses on this property. He stated there are several reasons he picked this site. Mr. Phillips advised that the land is the correct size, several acres in size, and will supply his needs. He noted the property is located on what he thinks is one of the main artery roads coming in and out of town. Mr. Phillips remarked that the topography is also good and the property would not need a lot of grade work. He advised that there would not be a lot of land disturbance for long periods of time. Mr. Phillips stated he feels it is a good location because there are industries close by, and as the Council is aware, the industries are across the street. He explained that as people go to and from work, they could stop to use the storage buildings. Mr. Phillips reiterated that he thought this would be a good location for the storage buildings. He advised that he knows the property has been for sale for quite some time, and no one has purchased it. Mr. Phillips indicated that a person has to assume from this that it is not good for housing, and, apparently, there is no need for apartments because the land is in front

of apartments. Mr. Phillips remarked that, again, he thought this property would be good for storage buildings. He noted there is a large storage facility directly across the street from this property which he thinks one of the local lumber companies uses. Mr. Phillips advised that these requested storage buildings are not completely out of character with the surrounding property. He noted that the buildings will be neat and clean. Mr. Phillips stated the buildings will have burgundy doors with an ivory exterior. He remarked that one advantage of storage buildings is that they do not cause any traffic, possibly one or two cars per hour. He noted the traffic is mostly steady so people would not notice any traffic increase. Mr. Phillips indicated that there is no rush hour traffic going in and out from the storage buildings so it would not interfere with the normal traffic flow to and from the industries. He pointed out that there is very little noise from the storage buildings and no pollution. Mr. Phillips presented a rendering of the proposed buildings to the Council and noted this will give them an idea of how the buildings will look. He remarked that this rendering shows the basic color of the buildings. Mr. Phillips reiterated that the doors will be burgundy and the building will be ivory. He noted the only variance from this picture is that this rendering was drawn with an ivory-tan roof, and he would prefer a galvanized-type roof because it would save him approximately \$100 per building. He noted if he built 20 buildings, it would save him \$2,000. Mr. Phillips remarked that if the Council is concerned about the buildings looking good in the neighborhood and not interfering with the neighborhood, the ivory-tan color roof could be placed on the buildings, but it would cost him \$100 more per building. He noted his current buildings have galvanized roofs which is referred to as galvalum. Mr. Phillips stated he knows he came to this meeting with a negative response from the Planning Commission, and advised he is not exactly sure why. He indicated that one member on the Commission felt as though there is other land in the town that could be used for this purpose and did not feel it was necessary to use this land. Mr. Phillips explained that there is a lot of land around this area, but to be able to gain access to it restricts the property. He noted the cost of the land can also be prohibitive since a person can only pay so much money for land for storage buildings because there is not a large profit margin in the business. Mr. Phillips noted this makes it more difficult when trying to find a parcel of land. He explained that the land has to be close to being level, it has to be reasonably priced, and it needs to be in an area where there is traffic. Mr. Phillips stated the availability of land becomes scarce when all of these items are considered. He noted one other thing that was mentioned in the Planning Commission meeting was lighting. Mr. Phillips advised that he did not know if the Commission was adverse to a lot of lighting, since they did not tell him. He stated that on the average, he would install a 100-watt dusk-to-dawn light for about every 10 buildings. Mr. Phillips noted one light is installed on one side of the aisle which would cover five buildings, and a light would be installed across the drive area which would take care of five more buildings. He reiterated that there would be a 100-watt light bulb for every 10 buildings and this would be sufficient. Mr. Phillips noted he thinks some people are also wondering regarding the construction of these buildings. He advised that these are permanent buildings and are not like the little mini buildings a person can purchase at Lowe's and install behind their home for \$150. Mr. Phillips pointed out that these buildings will have concrete floors, and, on the average, they cost approximately \$2,000 for a 10' X 10' building. He noted a 10' X 20' building costs approximately \$4,000. Mr. Phillips explained that when this project is full, if he builds 273 units, it will be a \$500,000 investment. He noted this is not a "fly by night" project. He stated the Planning Commission asked him what the buildings would look like, and noted he also showed this rendering to the Commission. He reiterated that the buildings will look identical to the rendering except that he may install a galvalum roof. Mr. Phillips stated that the trees are already located on each side of the property. He remarked that at the Planning Commission meeting, no one in the neighborhood seemed to be concerned that he was going to construct these buildings. Mr. Phillips indicated that he knows there will be apartments behind and beside of this project. He noted that, again, the buildings do not create noise or pollution so they should blend in well with the neighborhood. Mr. Phillips indicated that he will be glad to answer any questions the Council may have. Councilman Crockett indicated that Mr. Phillips mentioned other sites not necessarily being appropriate. He noted he is not asking Mr. Phillips to state which sites were not appropriate, but inquired if he considered any other sites to any degree or if this land happened to be available and he went ahead and considered this site. Mr. Phillips answered that he came into town a couple of times, possibly three times, and he started considering the town. He noted he went out all of the different routes from town trying to find land. Mr. Phillips remarked that one of the routes was west. He indicated that he came in from the interstate, and he did not think he should go across the interstate to consider land since it would be too difficult for people to get to the property there, and if anyone built close to him, it may cause his business to close. Mr. Phillips indicated that he went in the opposite direction through town and went out a highway, but noted he could not remember the name of the highway. He noted he did not find any land in this area. Mr. Phillips explained that he went out by the golf course, and he did not see any land until he was far out of town. He stated he went out where this land is located, and, of course, he saw the land. Mr. Phillips noted he went out toward the truck stop where Sagebrush Restaurant is located, and there was some land, but it was expensive and he could not afford to purchase it for storage buildings. He indicated that there is some land available in

town, but the price is from \$100,000 to \$200,000 per acre, and this is out of his price range for this type of project. Mr. Phillips advised he talked to Mr. George Bird, a realtor, and after the Planning Commission meeting, he requested Mr. Bird to try to find another piece of property but he has been unsuccessful except for property that is very expensive. Councilman Crockett inquired if Mr. Phillips checked with other realtors. Mr. Phillips answered that he did not check with any other realtors. He indicated he had not dealt with Mr. Bird before, but he had dealt with this same realty company several times. Mr. Phillips remarked that when he came to town, he saw this realty company and went to see them and did not go to any other realtors. He stated that usually this company has multiple listings so if one agent has the listing, they all have it. Mr. Phillips noted that usually properties are on a multiple listing in the computer. Councilman Crockett stated he did not think that a multiple listing is available in this area. Mayor Crewe noted that there is a fashion of a multiple listing available in this area. Mr. Bird indicated that they still show and sell other companies' properties. Councilman Crockett indicated that this system is not the true multiple listing. Mr. Bird stated that is correct. Mayor Crewe inquired if there are any further questions for Mr. Phillips. There being none, he thanked Mr. Phillips for his comments.

Mayor Crewe inquired if there are others who wish to address Council regarding this request.

Mr. George Bird was recognized and stated he talked to several of the neighbors in the area where this property is located to try to get an idea of what they thought about having mini storage units at this location. He noted the neighbors' feelings are that something on the property would be better than nothing on the property. Mr. Bird noted that the land has been vacant for a long time. Mr. George Johnstone stated the property has been vacant for 25 or 30 years. Mr. Bird indicated that he has only been in town for a couple of years, but he knows the property has been vacant for many years. He stated this business would be something that would bring in some revenue. Mr. Bird noted that everyone he spoke with was not against this request. He stated he talked to the Northwinds Apartments manager, and noted the manager stated they were not interested in expanding the apartments. Mayor Crewe thanked Mr. Bird for his comments.

Mayor Crewe advised Mr. Phillips that he is unsure if he knows how this procedure is done, but the Council has the minutes from the Planning Commission meeting, and Mr. Johnstone's comments are in the Commission minutes. He indicated that Mr. Johnstone spoke at the Planning Commission meeting and noted he was not opposed to this request. Mayor Crewe reiterated that the Council has the Planning Commission minutes in front of them for their consideration. Mr. Johnstone advised that drainage will need to be reviewed because he currently receives drainage from Northwinds Apartments, and he does not need to receive any more drainage. Mayor Crewe advised that November 8 was the date of the Planning Commission meeting. He indicated that Mr. Johnstone thinks the mini storage units would be a good use of the property, and he does not have any problems with this request. Mayor Crewe indicated that the drainage issue will be taken care of during the building permit process if the special exception permit is granted. Mr. Phillips indicated that he would have to build a retention pond, etc. and he will have an engineer design it for him. He noted he knows all of this has to be taken care of before the Town will issue him a building permit. Mayor Crewe stated that during the discussion of the Planning Commission, the minutes reflect that one of the items that was discussed was that Mr. Phillips may lose some of the storage units if he has to build a retention pond. Mr. Phillips stated that is correct. He pointed out that the rendering shows the project fully developed, but he is expecting to lose a certain percentage of the units when the engineer lays out the retention ponds. Mr. Phillips indicated that he wanted to show the Council the maximum number of units he could place on the land and then he could subtract some of the units for retention. Town Manager Sutherland noted that Mr. Phillips will lose some of the units for retention purposes.

Mayor Crewe inquired if there are others who wish to address the Council during the public hearing. There being none, he declared the public hearing closed. He stated the Council will take action on this request and the Certificates of Public Convenience and Necessity later in the meeting.

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

Mayor Crewe stated the next agenda item is Citizens' Period. He inquired if there are persons present who wish to address Council during Citizens' Period.

Mr. Wayne Roop was recognized and stated he is the owner and manager of Wytheville Office Supply. He indicated that his business has been at its present location since 1985. Mr. Roop indicated that over the years, he has tried to improve his property and open up the back of his stores, parking lots, and building areas for large trucks to be able to get in and out of. He

explained that there are two large trucks from Charlotte, North Carolina, who arrive at his business in the middle of the night. He noted that one truck arrives at approximately 3:00 a.m., and the other truck arrives at 4:00 a.m. Mr. Roop stated that over different times of the month, they will have tractor-trailers that come from Holland, Michigan, and Palo, Indiana. He noted that the main center they have always directed them to if they have been driving for a long time is the TA Travel Center, and then they give them directions to Wytheville Office Supply. Mr. Roop pointed out that the most direct route is for the truck drivers to pull out of the TA Truck Stop after they have rested, take a left, follow three lights, and then they will see the Wytheville Office Supply sign where they can back in and the Office Supply workers will wake the truckers up when they start work at 4:30 a.m. when they start unloading the trucks. He indicated that last Wednesday, he noticed some activity on Monroe Street. Mr. Roop stated he knows there is a pedestrian problem at this location, and reiterated that he has been at this location since 1985. He noted all of his employees park across the street in the municipal parking lot, so they understand the traffic traversing this street and sometimes the speed that the traffic travels on this street. Mr. Roop indicated that he also understands about the small children. He remarked that when the pool is open, some of the children cross the street to get ice cream at King's Produce. Mr. Roop stated he wants the Council to know he is aware there is a problem. He indicated that currently, if he directed a tractor-trailer from the TA Truck Stop to come down Monroe Street and back into the parking lot of Wytheville Office Supply, there are six poles there, and the tractor-trailer driver is so used to coming into his business, there is no way the trucker would be able to get backed into his loading dock. Mr. Roop advised that he has quite an investment in his loading dock. He noted he installed a freight elevator in 1985, and he does not know if a lot of the Council knows what he has been doing, but he went underneath the old Jen Holly's building and Community Health Care and created approximately 15,000 square feet of warehouse space. Mr. Roop stated that this past spring, he put in another freight elevator. He noted he actually has two places where tractor-trailers deliver to his business. He remarked that if the Council moved the poles west to the next crosswalk, it is going to create a problem for him. Mr. Roop indicated that he is trying to do business, and he pays for a business license and distributes products in 28 counties all over southwest Virginia. He noted they have over 20 vehicles on the road, and people come in and bring a product to them and sometimes they have to warehouse it. Mr. Roop remarked that they have worked with a lot of banks, and they have done a lot of flood work in West Virginia with the big floods. He noted the banks would want the products in Wytheville 20 to 30 days ahead of time and would want him to warehouse it until the remodeling was done. Mr. Roop stated the day the remodeling was done, the banks wanted his business to deliver their goods. He explained that this is his situation, and he wanted to attend the meeting to tell the Council that he has quite an investment in downtown Wytheville. Mr. Roop indicated that they always want to do business in a business-like way. He noted that he does not want one of the truck drivers who has a good driving record for 15 or 20 years who is sitting in Wytheville Office Supply's driveway have a Town policeman come up to his truck and tell him that he is writing him a ticket for destroying one of the poles in the street when the trucker has been used to coming into that same dock since 1985. Mr. Roop summarized that these are his comments. He noted if the Council does not understand what he is talking about, they need to have a tractor-trailer driver visit this crosswalk or have someone from Alliance Tractor Trailer review the situation. Mayor Crewe noted the concern that Mr. Roop has is based at both loading docks because they are located at opposite ends of the present crosswalk which is located between Mr. Roop's two loading docks and inquired if that is correct. Mr. Roop stated that is correct. Mayor Crewe thanked Mr. Roop for his comments.

Mayor Crewe inquired if there are others who wish to address the Council during Citizens' Period. Mr. Roop stated it is not so much the barriers that are in the road. He noted he has been out of town since this morning, but he has seen a little of everything happen at that location today. He indicated he has seen motorists come to a complete stop and the motorist behind them almost run into the back of their vehicle. Mr. Roop stated he has seen motorists speed through the crosswalk. He noted the first day he saw the crosswalk, he saw a school bus come through and the back wheels bounce up in the air with the children on the bus. Mr. Roop remarked that the barriers have not been there one week, and they have seen a little of everything take place at the crosswalk. He noted someone needs to go down and thoroughly review this situation and see if this is the correct thing to do. Councilman Weisiger inquired if the barriers or the standards are the main problem for Mr. Roop. Mr. Roop answered that the poles are the main problem. He noted he has a 16-foot truck which cannot pull out of his parking lot at this time and take a left turn. Mr. Roop stated his business covers southwest Virginia, and they travel the interstate to the west, so to get to the interstate as quickly as possible, they come out of their parking lot, take a left on Monroe Street, and go to Fourth Avenue. He indicated that they fuel every vehicle at Fourth Avenue Exxon including their gas and diesel vehicles. Mr. Roop stated that Fourth Avenue Exxon is a major stop for his business when his drivers are heading out of town going to Cumberland Gap, Lee County, Sparta, West Jefferson, and toward Beckley. He remarked that when a truck leaves Wytheville Office Supply, the driver usually takes a left and goes to Fourth Avenue Exxon to fuel. Councilman Weisiger inquired if the speed

bump is causing many problems for Mr. Roop. Mr. Roop answered that the poles are causing problems for him. Mayor Crewe noted if he understands correctly, what the Wytheville Office Supply drivers are currently doing is taking a right from their parking lot, taking a left on Tazewell Street in front of Spiller School, and going out to the interstate to avoid having to turn left because they cannot make a left hand turn with the poles in their way. Mr. Roop indicated that they have been trying to maneuver around to see what the Town is going to do on this matter. He stated when one of the tractor-trailer drivers that have been coming in for 10 or 15 years at 1:00 a.m. or 2:00 a.m. sees the poles, he hopes the driver can figure out how to maneuver around it because he would not want to be driving a tractor-trailer and try to maneuver around the poles. Councilman Crockett stated he is not sure how Kincer Miller receives their supplies. Mayor Crewe advised that Kincer Miller has trailer trucks backing in the same general vicinity but a little further down the street. Councilman Crockett indicated that he wonders if Kincer Miller is experiencing the same problems, or if Mr. Roop is aware if Kincer Miller is experiencing the same problems. Mr. Roop indicated that he left town on Thursday and did not get back into town until 6:00 a.m. this morning. Councilman Crockett stated that possibly Town Manager Sutherland has heard from someone at Kincer Miller, but he has not received any comments, positive or negative, from Kincer Miller or any other stores. He advised that he knows that Carolina Furniture has some trucks which unload at the back of their business. Mayor Crewe stated that this business is further down from the crosswalk. Vice-Mayor King noted that Carolina Furniture trucks would not be involved with the crosswalk. Mayor Crewe noted that Kincer Miller has not had a delivery truck since all of this was installed Wednesday afternoon and finished Thursday. He stated that Kincer Miller has advised that they do not see how a truck can back into their loading area. Mr. Roop remarked that he does not know if the Council realizes how many trucking terminals there are around this area, but when Estes or some company like that has freight, they do not call ahead and state they are coming. He noted they have three or four tractor-trailers arrive per day, and they do not know when they are coming. Mr. Roop remarked that the tractor-trailers may be hauling six chairs from Mississippi, or filing cabinets from Illinois. He noted that sometimes the merchandise arrives in two or three days, and sometimes the freight is on the road for a week. Mr. Roop noted that the companies do not call ahead to notify him that they have freight for him. He stated the trucks arrive at the loading dock, and that is when he receives his merchandise. Vice-Mayor King inquired if Mr. Roop would discuss the gravel trucks. Mr. Roop indicated that he noticed today when there was a bank opening in one of his buildings and they had several people speaking, the entire time they were trying to make their address, which included the banking group from North Carolina, he could barely hear because a lot of the traffic is now using Main Street to avoid the speed bumps on Tazewell Street. Mayor Crewe noted that Mr. Roop is referring to several of the big trucks that passed while the ribbon cutting was being held for the new bank. He stated they were dump trucks, but noted there are also a lot of logging trucks traveling Main Street. Mayor Crewe reiterated that there were dump trucks on Main Street making a lot of noise this morning. Mayor Crewe inquired if there are other questions or comments for Mr. Roop. Mayor Crewe thanked Mr. Roop for attending the meeting. He advised that he thinks Mr. Roop will be hearing more about this matter shortly.

Mayor Crewe inquired if there are others who wish to address Council during Citizens' Period.

Mr. Bill Smith stated he travels Tazewell Street several times a day, sometimes twelve times per day, and he perceives a problem with the yellow speed bumps. He noted the rumble strips are great and get the motorists' attention before they get to the crosswalk. Mr. Smith remarked that by the time motorists get to the speed bump, they are halfway across the pedestrian crosswalk. He noted the car's bumper is already halfway across the crosswalk before the tire hits the speed bump. Mr. Smith advised that if there has to be a speed bump, he would suggest that it be away from the crosswalk. He noted he feels as though the rumble strips are all that is needed. Mayor Crewe thanked Mr. Smith for his comments.

Mayor Crewe recognized Mr. Robert Eley Johnson and stated he is attending the meeting on behalf of the Smyth Wythe Airport Commission. Mr. Johnson indicated that his purpose in attending the meeting is to talk to the Council about the Six Year Capital Improvement Plan. He noted he would refer the Council first to the map to give them an idea of the situation. Mr. Johnson stated that first, if the Council reviews the map, they will see Road 705 which is the one that comes in from Highway 11 to the airport. He indicated that this is a State road, and this will give the Council some idea of looking at this map from that point. Mr. Johnson remarked that from that point over, the airport has 9 to 10 acres of level land. He noted that previously, the airport did not have enough area to build anything since they did not have any land available. Mr. Johnson indicated that for the first time, this has given the Airport Commission the opportunity to do the things they need to do. Mr. Johnson advised that he would like to quickly review this with the Council, and then discuss the program. He remarked that the parallel taxiway is indicated as number 10, and it is now complete. Mr. Johnson remarked that there will be an inspection on December 18, and next spring, they will determine if all of the grass and

crown vetch are growing, etc. He summarized that the Commission thinks they are about finished with the parallel taxiway. Mr. Johnson pointed out that this taxiway is now usable and available. He noted that a big problem is they do not have any place to put a plane when it arrives because the parallel taxiway runs in front of the entire property. Mr. Johnson noted that small planes could be put in the apron, but large planes cannot be placed there. He advised that the next step the Commission is going to do is construct an eastern apron, and he depicted this on the map. Mr. Johnson indicated that steps three and four are the road, and the parking lot for the terminal is steps five and six. He remarked these are the things the Airport Commission is working toward for the future. He noted that the Airport Commission will change the entrance road to the airport by moving it, and T-hangars and storage spaces will be installed for additional planes, which the Commission hopes they will have. Mr. Johnson noted he has been on the Commission for 22 years, and he thinks this Six-Year Capital Improvement Plan was submitted every year. He indicated that he started serving as the secretary of the Commission 18 years ago, but he resigned this spring as secretary and only takes care of the financial matters, and this is why he is attending the Council meeting. Mr. Johnson remarked that each year, they have to present this plan. He noted they prepare the plan and send it to the State and the Federal government. Mr. Johnson noted they also send the plan to the Mount Rogers Planning District. He remarked that these entities review the plan, and if they approve the plan, nothing more is ever done with it. Mr. Johnson indicated that he does not know if the Council ever sees the Six-Year Improvement Plan. He stated this matter has arisen several times, and that is why he is attending the Council meeting. Mr. Johnson explained that Mr. Wythe Sharitz is the liaison member for Wythe County. He noted that Mr. Sharitz took this plan to the County and had him attend a Board meeting to discuss it with the Board of Supervisors. Mr. Johnson remarked that the Board of Supervisors realized the entire situation for the first time. He noted the six-year plan is listed, and the first item is to pave the parallel taxiway. Mr. Johnson stated that this money was made available by the State and Federal governments because of the failure of ARC to give the Airport Commission money. He remarked that the Commission applied two years to receive money from the ARC and they were unable to obtain the money. Mr. Johnson indicated that the Federal and State governments paid money to the Airport Commission, and the \$500,000 that the four governing bodies provided took care of the remainder of the funds. He noted it appears as though it will be \$450,000 to \$465,000 for the local money when they finish. Mr. Johnson advised that he did not think they would reach \$500,000, but noted he did not know how it will be at the end. He remarked that the taxiway has been completed. Mr. Johnson noted that the second item is to construct an eastern apron. He remarked that the Airport Commission is asking the Federal government for \$900,000, the State for \$800,000, and locally for \$20,000. Mr. Johnson noted the Federal government has decided they are not going to fund the Commission next year and want to move it down one year, and place it under year three, but they want to do steps three, four and five at that time. He remarked that this information will show the Council the amount of money that will come in from the Federal government, State government, and what the local governments will be required to pay on a pro rata basis. Mr. Johnson remarked that if the Council views the data on the right of the information he presented, they will see a \$150,000 Federal entitlement. He noted the last time Congress passed a law, they made a lot of money available to the FAA. Mr. Johnson noted that the Congress provided \$150,000 each year for each airport, and the airport will automatically receive \$150,000. Mr. Johnson explained that the money is used for what the Federal government wants to use the money for, so they can tell them that the money will be used to construct the parallel taxiway and the access road, and they will probably have about \$300,000 in two years. He remarked that the Commission can carry the money for three years which would consist of \$150,000 for three years for a total of \$450,000, and then they can use the money. Mr. Johnson noted the next step will be to construct the air terminal building. He explained that the State will pay 100 percent of all of the cost of building the terminal for public use. Mr. Johnson advised that the Commission has to pay 100 percent of the cost for an office for the Commission, an office for the FBO that runs the airport, and any type of accommodations for airport pilots. He noted it has turned out to be approximately 80 percent versus 20 percent for all of the terminals being built all over the State. Mr. Johnson remarked that there are some nice terminals across the State including in Abingdon, New River, Blacksburg, etc. He noted the Mountain Empire Airport is one of the few terminals that does not have one of these nice terminals. Mr. Johnson summarized that this will be the next step in the plan. He indicated that the Commission will also relocate the service road, which again, the Federal government will participate in. Mr. Johnson remarked that the airport will prepare a place for the T-hangars to go so they can put T-hangars on it in a year. He stated that in the sixth year, the T-hangars will be installed. Mr. Johnson noted that by this time, the Commission will decide how they will finance the T-hangars, and there are two or three good options for the financing of these hangars. He stated this will give them time to build, etc. Mr. Johnson noted that for the Council's information, the Smyth County Board of Supervisors decreased the taxes, and Mountain Empire Airport is the lowest tax based airport in southwest Virginia. Mr. Johnson indicated that he thinks it will be an inducement to some of the plane owners to come back because they lost planes to Abingdon, New River, and Blacksburg airports because they were

paying too many taxes at their airport. He stated their taxes were the highest of any other airport in this area including the eastern part of Virginia. Mr. Johnson indicated that the Smyth County Board of Supervisors did a good job of decreasing the taxes, and he thinks the airport will reap long-term benefits from it. He stated he wanted to explain this to the Council because what the Airport Commission is going to do from now on is each year, although they will send this plan to the Mount Rogers Planning District Commission, it will be sent to the Town Council so they are kept abreast of this project and know where the Commission is going and what they are doing. Mr. Johnson advised that this is why he is attending the Council meeting. He reiterated that this presentation came about when Mr. Wythe Sharitz asked him to attend the Wythe County Board of Supervisors meeting. Mr. Johnson indicated that the County Board of Supervisors has adopted this plan and they are placing it in their six-year plan so they can contemplate it as it progresses. He stated this is probably what the Council will want to do. Mr. Johnson advised that he also has to attend the Smyth County Board of Supervisors meeting and the Town of Marion Council meeting. Mayor Crewe noted that to his knowledge, this is the first time the Council has seen the entire package presented at one time. He stated the Council has some information on the project that has been with funding requests, but they have never seen the entire plan. Mr. Johnson indicated that he is aware of this, and he has been making this plan for at least 15 or 16 years, and he has always sent a copy to the Mount Rogers Planning District and he receives a letter stating the plan is acceptable. He remarked that he thinks the Airport Commission realized for the first time that the local governing bodies are not receiving or seeing the plan. Mr. Johnson reiterated that from now on, the Council will see the plan and have a copy of it. He noted that the Airport Commission will keep the Council abreast of the project as they move along on it. Mayor Crewe stated he thinks he speaks for the Town but he knows he is speaking for himself that no one knew anything about the dedication ceremony for the taxiway that was held until they read it in the newspaper. Mr. Johnson stated at their meeting, Mr. Bob Dix indicated that Congressman Boucher wanted to come down the following week on Tuesday and have some type of ceremony, but he never did tell him what type of ceremony. He remarked that he informed them that he could not attend because he had a dental appointment at 10:00 a.m. that morning. Mr. Johnson advised that he did not attend the ceremony, and the first thing the Commission knew, it was a dedication that Congressman Boucher held. He noted that the Airport Commission did not dedicate the taxiway because they did not know anything about it. Mayor Crewe indicated that Congressman Boucher usually brings a check for funds with him, and he wanted to make sure they did not miss an opportunity to thank him. Mr. Johnson advised that if he had known what Congressman Boucher was going to do, he would have tried to inform everyone. He noted this ceremony was being scheduled the weekend that the Town Office was closed for a holiday, and he could not get in touch with anyone to tell them about it until Monday. He remarked that he had to go to Roanoke on Monday to see the doctor, so he could not call anyone on Monday, and the dedication was held on Tuesday. Mr. Johnson stated that he apologizes for no one at the Town being aware of the dedication ceremony, but he did not know anything about it. He noted he learned about the ceremony when Delta, the Airport Commission's consultants, told him they heard there was a dedication. Mr. Johnson indicated that he had to make arrangements to obtain a portable microphone from the Recreation Center, and one of the men who work at the airport came and got the microphone and took it to the airport and brought it back. He noted he made this arrangement, but he did not understand what Congressman Boucher was doing. Mr. Johnson reiterated his apologies to the Council. Mayor Crewe thanked Mr. Johnson for attending the meeting to bring the Council up to date on this project. Mr. Johnson stated he hopes the Council understands the situation. Mayor Crewe indicated that the Council understands more since Mr. Johnson's presentation. Mr. Johnson advised that this map is for the Council to keep in their files and refer to it as the project progresses, and a new plan will be submitted next May or June. He noted they will update this plan for next year, and they will put year one at the bottom and take the top one off and show what the situation is. Mr. Johnson pointed out that the plan will show the Council what local funds the Airport Commission is going to need divided by the formula that has been agreed upon. He noted he thinks now that since the Council has seen the plan, they will be able to understand what the Commission is doing and have a better idea of where the Airport Commission hopes to go and what their situation is. Councilman Crockett stated he believes that Mr. Johnson stated that year two would be dropped down to year three. Mr. Johnson advised that is correct. Councilman Crockett noted that below that line, and noted this is a quick calculation, it is approximately \$600,000 for all of the local funds that have been requested and noted this may not be exactly correct. Mr. Johnson inquired as to where Councilman Crockett is seeing \$600,000 on this information. Councilman Crockett advised that this is the total of all local funds. Mayor Crewe remarked that the \$600,000 figure is not on the information, but Councilman Crockett is adding all of the figures together. Mr. Johnson advised that these are yearly items. Councilman Crockett indicated that he understands this. He inquired if any requests have been made for funding past the current year for the local governing bodies. Mr. Johnson stated that the local governing bodies have already provided the funds, and this is the \$500,000 they are working on. Councilman Crockett inquired if the Town will not have a request for funding. Mr. Johnson advised that is correct. Councilman Crockett noted this was his

question. Mr. Johnson explained that as far as he is aware, unless they change their mind and tell the Commission at the last minute that they are going to put the \$900,000 in and for them to have the apron constructed, the Commission will come back and inform the Council. He remarked that currently, the Federal government indicates that they are going to wait, and noted in 2003, the Commission is going to receive the money for the construction of the access road and the parking lot. Mayor Crewe indicated that what has driven the Council over the year, and he asked Mr. Johnson to correct him if he is wrong, is that the Commission has scheduled these improvements with the help of Delta Consultants so as to maximize the Federal and State governments' share and minimize the local share. Mr. Johnson stated that is correct and noted the main issue is to obtain the Federal money. He remarked that as the Council can see, when the Commission receives Federal money, it makes it easier. Mr. Johnson explained that if they can obtain Federal money, they will receive 90 percent Federal money, 8 percent State money, and only two percent local money. Mayor Crewe advised that this is why some of these things have been done during the year. Mr. Johnson explained that if the Commission does not receive Federal money, they receive 60 percent State funds and 40 percent local funds. Councilman Crockett noted that currently, what he sees on this Six-Year Plan is the local funding has already been requested for this and inquired if that is correct. Mr. Johnson indicated that local funding has not been requested for construction of the apron, and for years three, four, and five, they will request that another year. Councilman Crockett inquired if there will be a request for funding at some point. Mr. Johnson advised that the request will probably come in another year, because even if the Commission requests the funding next year, it will be for the following year. He indicated that the Federal government is not going to give any money until 2003. Mayor Crewe noted that what has happened in the past is when the Airport Commission received a commitment from the Federal government, they came back and asked for a local commitment. He noted the Council has seen a one-year request at a time, and the Council has not seen the entire Six-Year Plan until now. Mr. Johnson advised that this is correct and noted what they will do is change this plan for next year, and the Council will see the first item under current year will be zero, and the second year will be the other three things put together, and they will move all of the other items up on the list as it progresses. He advised that the Council will see this plan every year from now on. Mayor Crewe indicated that if he understands Councilman Crockett's question correctly, the \$16,000 in the first column for local funds for year one has already been approved for the local share. Mr. Johnson stated that the Town's share was part of the \$500,000. Mayor Crewe explained that this is all the Council has approved thus far, and this is all the Council has been asked to approve thus far. Mr. Johnson advised that is correct. Mayor Crewe pointed out that as each year moves along, the Airport Commission will come back and ask for more funds. He stated the way he understands is that the Airport Commission is stating that year six will involve more funding. Mr. Johnson advised that as he has stated, it appears to him that the total for the \$500,000 is only going to be about \$450,000 to \$460,000 when they finish. He remarked that it will be \$40,000 to \$50,000 short of the \$500,000 which is less money the Airport Commission will have to ask for. Mayor Crewe inquired if there are any further questions. Mr. Johnson noted he hopes the Council understands the plan and likes it because it is the way it should be. He remarked that he does not know why it has not been done like this before, but it will be given to the Council in the future. Mayor Crewe thanked Mr. Johnson for attending the meeting.

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

#### **RE: OLD BUSINESS**

Under Old Business, Town Manager Sutherland reported the following:

1. Town Manager Sutherland stated he spoke to Mr. Howard Dobbins today. The negotiations with AEP before the State Corporation Commission and Federal Energy Regulatory Commission have been proceeding. A few weeks ago, they thought they had reached an agreement, and apparently, the agreement did not get finalized at that time. This proceeding is now before an administrative law judge in Washington, D.C., for the Federal Energy Regulatory Commission. The judge has told the attorneys that if they are going to settle, she wants it settled promptly. A conference call is scheduled for Wednesday afternoon regarding this matter. The nature of the settlement would be that AEP would, by contract, provide the SCC rate structure for municipalities until the year 2007. As Mr. Dobbins has stated, this may result in a slight rate increase for the Town, but he thinks it is insignificant compared to what the rate increase would be if the Town was in the open market buying electricity. Town Manager Sutherland advised that he thinks what Mr. Dobbins is going to state on Wednesday at the meeting is to recommend that the committee ask for the settlement based on those situations.

2. Director of Public Information Rosa Jude attended a meeting recently and was presented a check in the amount of \$25,000. Ms. Jude had made application under a State program for emergency recovery tourism activities for these funds, and the Town was one of only two organizations in southwest Virginia that received this money. The money is to be used for advertising efforts to increase tourism. Director of Public Information Jude is to be congratulated for her efforts. Mayor Crewe noted that he knows he speaks for Council when he commends her for her efforts because this was a short window of opportunity for the Town. Town Manager Sutherland remarked that Ms. Jude only told him about these funds 30 to 45 days ago, and the money was quickly awarded to the Town.
3. The Council has been given some information, since there is not another meeting this year, regarding the Virginia Municipal League's Annual Legislative Day. Any Council member interested in attending is requested to contact Town Clerk Cassell before the end of the year so the necessary reservations can be made.
4. Town Manager Sutherland inquired if Town Attorney Kaase has any comments regarding his responsive pleadings for Oakwood Cemetery he would like to share with the Council. Town Attorney Kaase indicated that he trusts the pleading speaks for itself. He noted the Court has entered the order requiring notice regarding the acquisition of the cemetery to be published. Town Attorney Kaase explained that because of the holidays, the Court extended the time until the end of December for the information to be accumulated. He noted as he understands it, with the entry of the order, the first publication will take place this coming Saturday and then the following weekend thereafter. He advised that he will see what information is received, and he assumes he will be ready for the Council to authorize the acquisition in January.

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

Councilman Jones, reporting for the Budget and Finance Committee, stated that at the last meeting of Council, the Committee reported that there were certain amendments proposed to the Town's personnel regulations to include provisions that require more strenuous background checks on applicants and to include policies on the supervision of employees by family members. He noted that both Committees have continued to look at these policies, particularly with regard to the family supervision issue, and have asked Town Attorney Kaase to review current laws that would relate to any proposed amendments. Councilman Jones advised that the Committee would anticipate that additional information will be available on these proposed revisions, and this topic will be addressed at one of the Council meetings in January.

Councilman Jones also reported that as has been discussed previously, the current fiscal year is approximately half through, and there are several changes in budgetary figures that need to be amended. He noted that as the Council knows, these amendments are the result of factors such as projects that the Town carries from one fiscal year to another, donations, grant funds, and other unanticipated expenditures or receipt of funds. Councilman Jones explained that this year, the Town's auditors have requested that the Council take formal action to amend these various budget line items. He stated that the departments and the amounts to be appropriated are as follows: Police Department - \$2,500; Director of Public Information - \$10,000; Heritage Education - \$875; Recreation Programs - \$3,000; Parks/Sports Complexes - \$4,660; Water Treatment Plant - \$26,600; Water and Wastewater Utilities - \$381,670. Councilman Jones advised that both Committees have had the opportunity to review these revisions, and it is the recommendation of the Budget and Finance Committee that the Council authorize the Town Treasurer to make these adjustments to the fiscal year 2001-02 budget. A motion was made by Councilman Jones and seconded by Vice-Mayor King to authorize the Town Treasurer to make the amendments to the fiscal year 2001-02 budget as stipulated and reviewed by both Council Committees. 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, Charles G. Crockett. Against: None.

Councilman Jones inquired if the Committee will be reporting the tentative item on their report. Town Manager Sutherland inquired if Town Attorney Kaase would like for the Council to take any type of action on the matter of U. S. Cellular. Town Attorney Kaase advised that as he understands it, in the Committee meetings, this decision has already been made. He explained that if Council wants to take formal action, it would be received appropriately by him to initiate litigation with reference to the collection of fees and taxes from U. S. Cellular for the last five years. Mayor Crewe remarked his concern about this when it was discussed in the Committee meetings is if it is worth going after more than five years and let U. S. Cellular raise the issue and the Town go all of the way back to the beginning. Town Attorney Kaase indicated that the

information he has received from the Town Treasurer deals only with a five-year period of time. He noted if the Town is going to go back for a period beyond five years, the Council can authorize it, and it shall be done. Mayor Crewe indicated that he thinks the Town Treasurer has numbers older than five years, but he did not submit them because of the statute of limitations. Town Manager Sutherland noted that he thinks the Town Treasurer has gone back five years. Mayor Crewe inquired if Town Treasurer Stephens has gone back five years as opposed to three years. Town Attorney Kaase advised that if there are more than five years of fees and taxes that have not been collected, he will be broad based in what Council instructs him to do. He indicated that five years is all he knows about. Mayor Crewe advised that the Budget and Finance Committee met with the County last week, and the Council's position is that U. S. Cellular owes the Town of Wytheville, and apparently the County's position is that U. S. Cellular owes the County, delinquent taxes. He explained that the question is whether the Town wants to proceed to sue U. S. Cellular. Mayor Crewe pointed out that the Town has tried to collect the taxes by other means and has not been successful. He stated he will entertain a motion if anyone would like to make one. Councilman Jones indicated it is the recommendation of the Budget and Finance Committee to authorize Town Attorney Kaase to proceed with action against U. S. Cellular in the Circuit Court of Wythe County with respect to delinquent taxes. A motion was made by Councilman Jones and seconded by Vice-Mayor King to authorize Town Attorney Kaase to proceed with action against U. S. Cellular in the Circuit Court of Wythe County with respect to the delinquent taxes. Mayor Crewe noted the motion is to collect all of the back taxes that are owed by U. S. Cellular. He 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, Charles G. Crockett. Against: None. A copy of the Budget and Finance Committee report is attached and made part of these minutes. Town Attorney Kaase advised that he would suspect that the suit will be filed this week.

#### **RE: PUBLIC WORKS COMMITTEE REPORT**

Councilman Weisiger, reporting for the Public Works Committee, stated that on October 29, the Virginia Department of Transportation conducted a public forum at Fort Chiswell High School to present information that is available to date about the Interstate Corridor Study. He indicated that the Department of Transportation presented a number of alternatives which basically can be categorized into four alternatives. He noted that first, there are several scenarios where one of the interstates would be relocated north of the existing corridor. Councilman Weisiger noted that secondly, one alternative considers the reconstruction of the existing corridor to add additional lanes. He advised that thirdly, one alternative had several scenarios where one of the interstates would be relocated south of the existing corridor. Councilman Weisiger stated that fourthly, the final alternative would be for the Department to deem that no construction is necessary. He explained that this option is called the "no build" option. Councilman Weisiger advised that after the meeting, the Department of Transportation has solicited comments from those attending. Councilman Weisiger stated that the Committee thinks it is important that the governing bodies of Wythe County respond to this inquiry. He noted the Committee might note that the displays that were at Fort Chiswell High School are now located in the Treasurer's Office for anyone who would like to view them. Councilman Weisiger indicated that the Committee thinks it is difficult to offer any type of definitive response about the information that is available to date. He advised that as the Council will note when looking at the alternatives that VDOT has presented, there is insufficient detail concerning interchanges and other key features of these proposed corridors. Councilman Weisiger advised that as the Committee has stated before, maintaining the Town's existing interchanges and making sure that future interchanges do not negatively impact the Town's tourism economy is an essential component of the economics of the community. He remarked that based on the information the Committees have available to date, they feel that the observations they made in 1999 are still relevant. Councilman Weisiger stated that in brief, the Town's position at that time was if it is deemed necessary to separate the interstates, any separation be minimal, and the new alignment should be designated as Interstate 81 and this new corridor should have sufficient sight distance and multiple interchanges with the remaining I-77 corridor, all of which could positively accommodate the economies of Wytheville and Wythe County. He remarked that the Committee realizes this statement is very general in nature, but the information VDOT has provided to the Town thus far is, likewise, schematic in nature. Councilman Weisiger noted that the bottom line in all of these discussions is existing businesses and industries could be seriously harmed by any highway construction. He advised, however, that any construction which does occur should be carefully planned to enhance existing businesses and industries and maintain the Town's existing interchanges. Councilman Weisiger stated if Council agrees with the Committee's position, they will forward a copy of this report to the Virginia Department of Transportation. Mayor Crewe noted it is his understanding, since the Budget and Finance Committee has reviewed the matter, that they concur with this position. He indicated that the only question he has, and noted he thinks the Council can do this by consensus, is if the

Council should approve this by an actual motion of Council and take a vote on it. Town Manager Sutherland advised that he thought it would be good if the Council took action by way of a motion. A motion was made by Councilman Weisiger and seconded by Councilman Crockett that the Council adopt the position regarding the interstate that any separation be minimal, and the new alignment should be designated as Interstate 81 and this new corridor should have sufficient sight distance and multiple interchanges with the remaining I-77 corridor, all of which could positively accommodate the economies of Wytheville and Wythe County. Mayor Crewe noted this position will be stated in a letter to the Virginia Department of Transportation regarding their public hearing. He 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, Charles G. Crockett. Against: None.

Councilman Weisiger also reported that the Public Works Department has installed new traffic control devices at two locations in town. He noted that first, on Tazewell Street between North Street and Spiller Street, new speed bumps, rumble strips, and appropriate signing have been installed to protect the crosswalk at Spiller School. Councilman Weisiger stated that in addition, the Town has now erected the three-way stop situation at the intersection of Spiller and Tazewell Streets. He noted that secondly, the Public Works Department has installed a similar crosswalk situation at Monroe Street between Tazewell and Fourth Streets. Councilman Weisiger advised that this crosswalk was constructed in this fashion to accommodate the many complaints the Town has received from pedestrians who work in the downtown area who cross Monroe Street and who utilize the municipal parking lot. He noted that this crosswalk is constructed in a fashion similar to those used in other communities where the motorist clearly has to slow down in the vicinity of the crosswalk. Councilman Weisiger stated that the Committee has received a number of complaints about this particular crosswalk, and they will continue to monitor it and determine its effectiveness. Mayor Crewe indicated that the Council has also heard complaints regarding this crosswalk at this meeting. Councilman Weisiger stated he would assume the Public Works Committee will thoroughly consider this crosswalk at their meeting in the morning. Councilman Jones indicated that he has been approached at church and restaurants about this matter. He stated he admits he made a mistake because he did not realize that the speed bumps were going to be installed. Councilman Jones remarked that he knows the problem at this location, and it is a shame there are people in town who cannot obey the speed limits as well as the stoplights. He noted he and Mr. Ray Patrick were sitting at Bob Huff coming off of Withers Road and the light had changed, and a motorist drove through the red light and there was no reason for him to do so. A motion was made by Councilman Jones, and noted this is with all due respect to the Public Works Committee because he knows they have received a lot of negative comments, to remove the speed bumps and poles on Monroe Street and to determine if this situation can be addressed in some other way. He advised that he has not received one positive comment regarding this crosswalk, but he knows there is a problem at this location. The motion was seconded by Vice-Mayor King. Mayor Crewe inquired if there is any discussion on the motion and noted the motion is to remove the speed bumps and the poles. Councilman Weisiger inquired if the Council has to make this decision at this meeting or if the Public Works Committee can discuss this at their meeting in the morning. Vice-Mayor King inquired as to why the Council should not vote on the matter during this meeting. Mayor Crewe indicated that he has heard from at least 40 people who cross the street who like the crosswalk because they can get across safely. He indicated he is probably the one that uses the crosswalk the most. Vice-Mayor King inquired as to why 40 people would be crossing the street. Mayor Crewe answered that all of the people who work on Main Street who work in all of the businesses, at Dr. Throckmorton's office, etc. use the crosswalk. Councilman Jones advised that he will defer it to the Public Works Committee. Councilman Weisiger stated the Public Works Committee will accept the responsibility. Vice-Mayor King noted she does not know about the other Council members, but she has heard a lot comments. She stated she listened to Mr. Wayne Roop twice this afternoon and she told him to call Councilman Crockett. Vice-Mayor King advised that she called Mayor Crewe and told Mr. Roop to call Mayor Crewe. She noted this was just one person after 3:00 p.m. this afternoon. Councilman Weisiger remarked that if people would slow down for the crosswalk, the speed bumps would not be such a problem. Mayor Crewe indicated that obviously what the Town has done has not been well received, and the Committee will have to review the matter again. Councilman Weisiger stated that is correct, and the Committee will have to do something but he would like for the Council to let the Committee take care of it. Councilman Jones advised that this is acceptable. He noted he will withdraw his motion. Councilman Weisiger stated he is not going to promise that the Committee is going to remove the speed bumps. Mayor Crewe noted the Committee will consider the entire situation. Vice-Mayor King remarked that the Council wants people to shop in Wytheville, and Mr. Wayne Roop has spent a lot of money on his businesses, and noted it is not just Mr. Roop who has spent money on their businesses. She indicated that the Council knows Mr. Roop has spent a lot of money on the buildings he owns on Main Street. She indicated that Mr. Roop told her this afternoon that he felt as though people thought the speed bump was for his benefit for

Wytheville Office Supply on the backside of his business. Vice-Mayor King noted that Mr. Roop has 22 vehicles for which he purchases Town decals, and he pays his business license tax. Councilman Weisiger advised that Mr. Roop did not complain about the speed bump. Vice-Mayor King noted that Mr. Roop complained about the speed bump but he did not do so at this meeting. She advised that Mayor Crewe also talked to Mr. Roop this morning, and he did not complain to him about the crosswalk. Mayor Crewe noted he asked Mr. Roop this morning about the crosswalk when the ribbon cutting was held, and he did not have any complaints. He explained that after he heard Mr. Roop's complaints, he called and talked to him on the telephone. Councilman Weisiger stated if the Committee has to remove the speed bumps, they will. Vice-Mayor King asked the Council to listen to Mr. Danny Gordon's documentary on WYVE in the morning at 8:45 a.m., and noted she thinks it will be about the speed bumps. She reiterated that people are not happy about the crosswalk. Mayor Crewe noted that the Committee should not lose sight of the pedestrians because those are the people who are crossing the street. Councilman Weisiger inquired as to what they are supposed to do about this. He noted there have been continuous complaints from pedestrians. Vice-Mayor King stated she has never received a complaint from pedestrians about this crosswalk. Mayor Crewe noted he receives complaints daily about this crosswalk because he is in the downtown area. Councilman Crockett remarked that this section of road has been like a racetrack or a drag strip from Fourth Street to Tazewell Street either way. He noted he stood there several times, and advised that he does have an occasion to park in the municipal parking lot, and he has watched the cars and the people in the crosswalk who are going to start across the street, and the cars almost speed like bullets. He noted the Town would not be in this situation, he would assume, if people would use some discretion in their driving and pay attention to crosswalks. Councilman Crockett indicated that the Council is aware of this situation and pays attention to it. He remarked that he thinks the drivers have a tremendous responsibility to this and not just the Town. Councilman Crockett advised that, thus far, the things they have tried have not been effective, and noted it has also been patrolled, but two days later the street is a drag strip again. He remarked he knows the older citizens cannot cross the street due to the traffic. Councilman Crockett noted that a person has to get a running start to get across the street sometimes. He remarked that he does not mean to be funny about this situation, but it is a fact. Councilman Crockett advised that he has received numerous complaints about how a person can cross the street and still survive. He reiterated that the Town would not be in this situation if drivers paid attention, and he remarked he thinks Councilman Jones referred to a case near K-Mart. Councilman Crockett noted that possibly this is a prevailing attitude all over town or all over the country, but he periodically sees someone who pushes the lights to the limits, and he has seen two to three cars in succession go through a red light. He stated he is unsure what it is going to take to slow the traffic. Councilman Crockett indicated that he has gone through when the light has changed to keep from getting hit from behind because he looks in the mirror and knows he can stop, but, obviously, the person behind him is not going to stop. He advised that, therefore, he goes through a yellow light when it is marginal. Councilman Crockett stated this is a matter of protecting the car. He reiterated that he has seen two and three cars go through a red light when he knew the first car could have stopped. Vice-Mayor King noted she agrees. Councilman Crockett indicated that he is unsure what it is going to take to remedy this situation, but there seems to be a complete lack of respect for the pedestrians, and noted he guessed this is where the Town is at in this situation. He advised he thinks the Town has a tremendous obligation to protect the pedestrians whether they are on Tazewell Street or any other street. Councilman Crockett stated the things they have tried before did not work, and the traffic still speeds on the street. He indicated that he does not know if removing the rumble strip, installing a punch light, etc. is the answer. Vice-Mayor King inquired regarding a caution light that blinks, and asked if the Town has had this type of light at this crosswalk. Mayor Crewe noted the Town did use a blinking light at this crosswalk. He stated that this is the third or fourth attempt to do something. Mayor Crewe explained that there was one crosswalk, then the Town put in extra crosswalks with raised strips, then the Town put in the blinking lights, and one day the Town placed a police vehicle there issuing tickets. He noted the Town has tried four or five different approaches of which none have worked. Vice-Mayor King inquired if Mayor Crewe has trouble crossing the street since the speed bumps have been installed. Mayor Crewe noted he has not had any problem crossing the street since the speed bumps have been installed because the traffic has to slow down for the pedestrians. Councilman Jones indicated that he is not opposed to the suggestion that they received in the e-mail to do like on Main Street and install one of the punch lights. Mayor Crewe noted the last time the Committee reviewed this, the cost was approximately \$75,000 or \$80,000. Vice-Mayor King inquired as to what would happen if someone hit the poles and tore up their vehicle. Mayor Crewe answered that the posts will come down since they are flexible. Councilman Jones noted that motorists are probably racing from Tazewell Street to get to the next light before it changes so they do not have to sit there for one and one-half minutes. Vice-Mayor King advised that there has to be a better way than the speed bumps. Mayor Crewe asked Vice-Mayor King to help them find a solution. Councilman Weisiger inquired regarding something similar to what the Council did on Withers Road with the raised crosswalk and inquired if this would be too expensive. Town Manager Sutherland noted that if

the citizens complained about the speed bump, they will complain about a raised crosswalk. Councilman Crockett inquired regarding the approach of having the rumble strips and installing a light at this location that would be actuated with a button like on Main Street. Councilman Jones advised that to him, it would be a lot more effective. He noted he is not trying to down anyone's suggestions because the Council reviews these matters, makes a decision thinking they are doing the correct thing, and no one responds, and then after the Town takes some action, the citizens finally state their opinion. Councilman Jones noted he thinks the light would be a better solution for the pedestrians and the vehicle traffic. Mayor Crewe noted that besides the issue of the cost of the light, there are trucks backing in and out, and depending on the height of the arm and where it is located, the trucks have to be able to get around the light to get to the businesses. He advised he thinks it is possible to erect a light at this crosswalk. Mayor Crewe pointed out that the light is going to need to hang high for a truck to pass under it. Councilman Jones advised that there are tractor-trailers that use Main Street now and miss the lights so they should be able to miss it at this crosswalk. Mayor Crewe noted that these lights are on the side of Main Street. Vice-Mayor King noted she was going to the bank at 5:40 p.m. Friday evening, and she saw three ladies cross the street going to the municipal parking lot and not using the crosswalk. Mayor Crewe indicated the reason they were crossing was the speed bumps slow the cars enough that people can dart across the street without going to the crosswalk and noted he has done this himself. Mayor Crewe explained that before the speed bumps were installed, a person could not cross the street unless he or she got a running start to get across the street, but people know when a car is going across the speed bumps, they have time to get across the street. Vice-Mayor King requested the Public Works Committee to try to come up with a better solution than what is currently at the crosswalk. Councilman Weisiger noted that the Committee will discuss this crosswalk at their meeting in the morning. A copy of the Public Works Committee Report is attached and made part of these minutes.

#### **RE: CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY**

Mayor Crewe stated the next agenda item is to consider renewing the Certificates of Public Convenience and Necessity during 2002 for Service Cab, Incorporated for the operation of taxicabs, and for Blue Ridge Medical Transport, Incorporated and Guardian Ambulance Service for the operation of public vehicles. He noted the Council has information in their packet where the vehicles have been inspected by the Police Department and the insurance certificates have been submitted. A motion was made by Vice-Mayor King and seconded by Councilman Jones to issue the Certificates of Public Convenience and Necessity during 2002 for Service Cab, Incorporated for the operation of taxicabs, and for Blue Ridge Medical Transport, Incorporated and Guardian Ambulance Service for the operation of public vehicles. Mayor Crewe inquired if there is any discussion on the motion. Councilman Crockett inquired if there have been any rate increases made by Service Cab this year. Mayor Crewe noted that the Council has not been notified of any rate increase for Service Cab. Councilman Crockett stated he knows the Council has to be notified of any rate increases. Councilman Jones advised that the Council has to be advised 30 days in advance of the rate increase. Councilman Crockett noted there has not been any notification submitted. Mayor Crewe advised that it has been approximately 15 months since Mr. Ferguson raised the rates, and Mr. Ferguson made one rate increase. Town Manager Sutherland advised that he cannot recall when the rate increase went into effect, but it has been awhile since Mr. Ferguson raised the rates. Councilman Crockett advised that the question came up regarding the rates when the gasoline rates increased dramatically, and Mr. Ferguson requested an increase. He noted he does not think the rates have been lowered since the gas prices decreased. Councilman Crockett stated he has not heard anything about Mr. Ferguson requesting to lower rates. Mayor Crewe inquired if there is any other discussion on the motion. Councilman Weisiger indicated that he heard from Mr. Ferguson that there are people in town acting as a taxi and charging people to transport them. Mayor Crewe stated if these people are, in fact, doing this, they would be in violation of the ordinance unless they have a Certificate of Public Convenience and Necessity. Councilman Weisiger stated he advised Mr. Ferguson if he would like to complain, to let someone at the Town know about it. Mayor Crewe stated he believes the Police Department could take care of this type of situation. He inquired if there is any further discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

#### **RE: SPECIAL EXCEPTION PERMIT - PHILLIPS**

Mayor Crewe stated the next agenda item is to consider the request of AAC, L.L.C. Howard Phillips for the issuance of a special exception permit to erect mini storage buildings in an R-3 Residential District located on the west side of Northwinds Apartments between Interstate 81 and Meadow Run. A motion was made by Councilman Jones that the Council approve the request of AAC, L.L.C. Howard Phillips for the issuance of a special exception permit to erect mini storage buildings in an R-3 Residential District located on the west side of Northwinds

Apartments between Interstate 81 and Meadow Run. He stated his reasoning for this motion is that at the Planning Commission meeting, no one addressed the Planning Commission, and it was not until after the meeting was over that Mr. Johnstone got up and made his statement and noted that he thought it was a good idea and so did some of the surrounding landowners. Councilman Jones advised that since the Planning Commission meeting, he knows that Mr. George Johnstone has reviewed this matter and no other negative comments have been received with respect to this request. Councilman Jones stated the land has sat there for many years and nothing has happened with it. He remarked he thinks most everyone recognizes that with the location of the apartments, there may be a problem as to what would be located in front of them. Councilman Jones indicated that he does not like special exception permits, personally, but this land will continue to sit there and the Town is going to have to do something to decide what they are going to do on this matter. He stated he recalls there was a previous request before the Planning Commission for mini storage buildings, but there were a lot of citizens who opposed that particular request for a storage building which would have been located close to a storage building that was already in existence. Councilman Jones remarked that the citizens who lived adjacent to the current storage units opposed the erection of more storage buildings. He noted with this particular case, no one has objected to the request. Councilman Jones summarized that this is his reason for the motion and the land has sat there and no one has purchased the land or done anything with it, and no one has come up with any better ideas in the meantime. Mayor Crewe inquired if Councilman Jones' motion is to adopt the special exception as it is in the packet with the four stipulations in it. Councilman Jones advised that is correct. Mayor Crewe noted when Councilman Jones is discussing no opposition, he means that no one has come forward at this meeting to speak in opposition of the request. He pointed out that no one spoke in opposition of the request at the Planning Commission public hearing or in the action taken by the Planning Commission, and no one spoke in opposition of the request at this meeting. Mayor Crewe inquired if the Town has received any adverse comments anywhere other than in the public hearings. Town Manager Sutherland stated that there have been no comments, but the Town has received inquiries with regard to this request. Mayor Crewe stated if he understands Councilman Jones' motion correctly, the motion would be to go against the Planning Commission's recommendation and grant the special exception permit with the four stipulations which include (1) the special exception permit is issued to AAC L.L.C. Howard Wakely Phillips to erect mini storage buildings in an R-3 Residential District located on the west side of North Fourth Street directly in front of Northwinds Apartments between Interstate 81 and Meadow Run; (2) the special exception permit and the privileges contained therein are issued only to AAC L.L.C. Howard Wakely Phillips, and the special exception permit cannot be transferred, conveyed, or assigned to any other person, firm, or corporation without approval of the Town Council; (3) issuance of this special exception permit does not relieve the applicant from other associated regulatory provisions of the Zoning Ordinance such as Flood Plain Legislation and provisions of the Uniform Statewide Building Code relating to occupancy and use of a building(s); (4) failure to comply with these conditions is grounds for rescinding this special exception permit. Mayor Crewe inquired if there is a second to the motion. The motion was seconded by Councilman Weisiger. Mayor Crewe inquired if there is any discussion on the motion. Mayor Crewe noted he does not know if Mr. Phillips has seen the special exception permit, but the motion the Council is going to vote on that is on the floor is to grant the special exception permit he has requested, but it is non-transferable, and it would be only to AAC L.L.C. Howard Wakely Phillips and not someone else. He indicated that the special exception permit does not relieve Mr. Phillips from any other provisions of the Zoning Ordinance, the Flood Plain Legislation, the Uniform Statewide Building Code, etc. Mayor Crewe indicated that Mr. Phillips will need to comply with all of the necessary requirements. Mr. Phillips stated he understands this. Mayor Crewe noted if Mr. Phillips failed to comply with any of the conditions of the special exception permit, it could result in the rescission of the special exception permit. He inquired of Mr. Phillips if any of these requirements will cause him any problems. Mr. Phillips answered that none of the requirements would cause him any problems. Mayor Crewe inquired if there is any further discussion on the motion. Councilman Crockett stated he is sure all of the other Council members read the report from the Planning Commission, and, he thinks the Planning Commission studied the request very carefully. He noted he feels if the Town is going to have the zoning, in this particular case, he thinks apartments could, at some point, be built on this land. Councilman Crockett indicated that the fact that no one has requested to build apartments on the land does not necessarily mean someone will not request to build apartments in the future. He stated he also knows the Council does not necessarily have to follow what the Planning Commission recommends, and, obviously, that is why the Council is holding this meeting. Councilman Crockett stated he does not feel there is anything he has heard that changes their recommendation to him. He remarked he will support the recommendation of the Planning Commission. Councilman Jones noted that all of the Planning Commission members voted against the request, and he also voted against the request at the Planning Commission meeting. Councilman Jones explained that Mr. Johnstone did not state his comments until after the Planning Commission's public hearing and voting, and the Town has not received any other comments since the Planning Commission meeting. Councilman Jones remarked that this is

why he is changing his vote. Mayor Crewe inquired if there is any other discussion on the motion. There being none, the motion was approved with the following voting results: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger. Against: Charles G. Crockett. Mayor Crewe advised Mr. Phillips that the Council wishes him well as he goes forward with his project.

**RE: CHRISTMAS PARADE**

Mayor Crewe noted he knows he speaks for the Council when he congratulates the Chamber of Commerce on an excellent Christmas parade last week. He advised this is one of the best parades they have ever had.

**RE: COUNCIL MEETING**

Mayor Crewe remarked that since the Council has cancelled their second meeting on Christmas Eve, this will be the last regularly scheduled meeting of the year. He advised that the Council can always call a special meeting if necessary. Mayor Crewe wished everyone a merry Christmas.

**RE: ADJOURNMENT**

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (8:15p.m.).

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Trenton G. Crewe, Jr., Mayor

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Sharon P. Cassell, Clerk of Council, CMC

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