

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JULY 14, 2003, 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., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon P. Hackler, Town Attorney Robert P. Kaase, Town Treasurer Michael G. Stephens, Patrol Officer Tommy Lester, Stephanie Porter-Nichols with Wytheville Enterprise, Joe Sheffey, Sr., Richard Terry, Debra Terry, William C. Bowen, Heather Wood, Agnes Eades

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 June 23, 2003, and the special meeting of June 30, 2003, the request of the Wytheville Lions Club for waiver of fees for use of the Elizabeth Brown Memorial Park for their annual picnic on August 5, 2003, the request of the Wythe County Community Hospital Auxiliary for issuance of a raffle permit for 2003, the request of the Wytheville Training School for issuance of a raffle permit for 2003, and the request of New River Highlands Resource Conservation and Development Council for waiver of fees for the Elizabeth Brown Memorial Park for a meeting on July 31, 2003. 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 June 23, 2003, and the special meeting of June 30, 2003, the request of the Wytheville Lions Club for waiver of fees for use of the Elizabeth Brown Memorial Park for their annual picnic on August 5, 2003, the request of the Wythe County Community Hospital Auxiliary for issuance of a raffle permit for 2003, the request of the Wytheville Training School for issuance of a raffle permit for 2003, and the request of New River Highlands Resource Conservation and Development Council for waiver of fees for the Elizabeth Brown Memorial Park for a meeting on July 31, 2003. Mayor Crewe inquired if there is any discussion on the motion. Councilman Jones advised that when he votes, he will be abstaining on the request of the Wytheville Lions Club. Councilman Crockett advised that when he votes, he will be abstaining on the request of the Wytheville Training School. 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. Abstentions: John W. Jones, Jr. concerning the request of the Wytheville Lions Club for waiver of fee for use of the Elizabeth Brown Memorial Park for their annual picnic on August 5, 2003, and Charles G. Crockett concerning the request of the Wytheville Training School for issuance of a raffle permit for 2003.

RE: PUBLIC HEARING – TERRY SPECIAL EXCEPTION REQUEST

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider the request of Richard L. and Debra D. Terry for the issuance of a special exception permit to operate an auto detailing business at 375 South Twentieth Street between Washington and Spring Streets in an R-3 Residential District. He inquired if there are persons present who wish to address the Town Council during the public hearing. There being none, he declared the public hearing closed. Mayor Crewe advised that if someone arrives later, he will offer him or her the opportunity to address Council.

RE: PUBLIC HEARING – SHIPPING CONTAINERS AND TRAILERS

Mayor Crewe stated the meeting also constituted a public hearing (due notice having been given) to consider the proposed revisions to the Zoning Ordinance regarding the usage of shipping containers and trailers in various zoning districts. He inquired if there are persons present who wish to address the Town Council during the public hearing. There being none, he declared the public hearing closed.

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. Mayor Crewe advised that Mr. William Bowen has indicated that he would like to address the Council on several topics. Mr. Bowen indicated that he lives on Lovers Lane in Wytheville, and maybe the Town is not aware, but there is a problem on the east end of town, and probably everywhere else, with the Canadian thistles which are very bad and will smother crops. He stated there is also a tall, stalk type of weed called hemlock that has a white top and grows about as tall as a person. Mr. Bowen advised that he has been having problems with the thistles on his land for some time, but now there are seeds coming from his own land plus seeds from along the interstate, Nye Road, and Chapman Road. He noted, as an example, the brown spots on the right-hand side of the road going down the hill on Chapman Road, and inquired if anyone else has noticed them. Mayor Crewe inquired as to the exact location, and Mr. Bowen indicated the spots were just below the old Wytheville Hospital. Mr. Bowen stated that the spot is a patch of Canadian thistle, and he did not mow it, but went around it, and they have sprayed, cut and burned it this year and last year to keep the seeds from spreading. He noted that the spray is expensive and he has been purchasing it from Southern States. Mr. Bowen advised that he has a cornfield to the left and had alfalfa fields two and four years old where the corn is now. He stated he had to replace the alfalfa because the thistles were smothering it and this land was not productive. Mr. Bowen indicated he put corn in the fields to be able to try to use chemicals to take care of the thistles, and he has had to spray twice in that cornfield in one season to take care of the thistles. He stated that this particular thistle is one of the most difficult to get rid of. Mr. Bowen advised that on the banks of Chapman and Nye Roads, the thistle seeds are in a white bloom and are ready to fall out now. He noted that the other thistles growing in the area are not as powerful as this Canadian thistle, and if the soil is disturbed within the next twenty years, this thistle could begin growing again. Mr. Bowen discussed the various sprays and gave examples of the associated costs. He noted that he would like for the Town to look into the situation and the destruction the thistles cause, and he stated that any spraying the Town could do would help control the spread of thistle seeds and help the farms in the area. Mr. Bowen indicated that if nothing is done to stop the spread of the thistles, it will become a big problem. Mayor Crewe advised that the Council would review this situation to learn what can be done and what options the Town might have. Mr. Bowen indicated he would be happy to show anyone the thistle problem, what he has been using against it, and the information he has gathered about it on the Internet.

Mr. Bowen inquired if the Council could advise him of the time frame for widening Lovers Lane. Mayor Crewe indicated that the Virginia Department of Transportation (VDOT) has this in their plans, but there are no funds at present to implement the plan. Town Manager Sutherland inquired regarding the specific section of the road that Mr. Bowen is interested in. Mr. Bowen advised he is interested in the part entering the woodland at the Nye property. Town Manager Sutherland noted that he does not believe there are any plans for that section of the road. Mr. Bowen indicated he thought there were plans to do something to the road and he had given the right-of-way to widen it to the top of the hill, but from the top of the hill into the Town limits is not done. He noted he would give the Council some examples of what is happening there. Mr. Bowen stated there is more traffic on the road because of the pipeline, including trucks, pickups, busses, etc., and there is a problem with the regular traffic as well. He indicated that in the Nye woodland, as motorists enter the road by Mr. Jackson's house, and on the curve at the top of the hill where the Yoders live, they have to nearly stop if they are transporting something wide or long to negotiate the curve, and when they do go up the hill toward the rise to the creek at the Town limits, sometimes motorists have to stop to let wide or long traffic go by before they can continue on. Mr. Bowen advised that with the other things going on along Lovers Lane, for example construction on a new street that does not go to anyone's home, funds spent on the road going through the Pendleton property before the Pepsi work began, and the extension of the water line, he thought this section of the road should be improved before making a new road. Mayor Crewe advised that the Public Works Committee would review the need for widening Lovers Lane. Town Manager Sutherland indicated that the Town acquired the right-of-way from the Nye family, and it took a number of years. Mr. Bowen noted that for a number of years, they could not do anything because of the Nye property being tied up through a lot of heirs. Mayor Crewe indicated he believed the County obtained a court order for that. Mr. Bowen noted that he and others have farm machinery to transport on this section of road, and his machinery can be ten to eleven feet wide, and if he meets pipeline machinery on the road, someone has to give more space than allowed by the road, and it is dangerous. He stated that sometimes he sends someone to the top of the hill to hold the traffic so he can transport his machinery up the hill without meeting other traffic. Mayor Crewe indicated the Council would investigate this problem. He thanked Mr. Bowen for his comments, and 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 reported that several weeks ago, Town staff wrote Congressman Boucher a letter with concerns about the parking situation at the Post Office, and the Town has now received a copy of Congressman Boucher's letter to the Post Office District Manager in Charleston, West Virginia. He indicated that in the letter, Congressman Boucher noted that, "the pleasure of having a new Post Office is regrettably blemished by the lack of parking, especially for the handicapped." Town Manager Sutherland advised that Congressman Boucher requested that the Post Office Service provide funds to construct the facilities that the Town had suggested would correct the situation.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, stated that several weeks ago, the Committee reported that they were reviewing fines for various infractions, particularly those relating to parking violations in the downtown area. She noted that they reviewed increasing fines for these violations at the request of the Police Department who thought that increased fines may be helpful in deterring parking violations in the downtown area. Vice-Mayor King stated that since that time, the Council has employed a parking enforcement officer, who is doing a tremendous job in enforcing parking rules. She advised that during this employee's first month of work, she has written some 233 tickets for over parking, for illegally parking in handicap spaces, for failure to display Town Tags, and for other miscellaneous offenses. Vice-Mayor King indicated that given this effort, the Committee thinks that it may be premature to look at increasing any fines for these types of violations. Vice-Mayor King noted that it would, therefore, be the Committee's recommendation that the Council continue to monitor the Town's enforcement efforts, but not increase any fines at the current time. Mayor Crewe inquired if members of Council had any problems with not increasing the fines and continuing to monitor enforcement efforts as the Committee recommends. Councilman Crockett commented that a citizen was given a ticket on Main Street on Saturday afternoon, and he wonders why the Town would issue tickets on Saturdays when at least half of the parking spaces are vacant. He indicated that when the Town is trying to encourage shopping in the downtown area, he questions giving tickets at the rate that they have been issued, and he questions issuing tickets on Saturday. Mayor Crewe advised that he would need to check the ordinance and the signage, but it is his belief that on Saturdays, the two-hour rule is not in effect on Main Street, but the handicap parking is in effect. Town Manager Sutherland indicated, and Councilman Weisiger concurred, that he believes the two-hour rule is the same except for Sundays. Councilman Crockett advised that he observed the parking enforcement officer marking one of the cars in front of Counts Drug on a Saturday, and Mayor Crewe noted that it would have to have been for two-hour parking because there are no handicap spaces on that side of the street. Councilman Crockett reiterated that he wonders about issuing tickets when the Town is trying to encourage people to shop in the downtown area and noted that he realizes there are business people who continue to violate the parking regulations and he wonders how they expect to get customers if they are parked in the customers' parking spaces. Mayor Crewe stated that Councilman Crockett is then not recommending any changes in the fines. Councilman Crockett indicated that is correct. Mayor Crewe noted that Councilman Crockett would then be in favor of no action except continued monitoring of parking enforcement. It was the consensus of the Council to not increase the fines for parking violations and to continue to monitor the Town's enforcement efforts.

Vice-Mayor King also reported that the Budget and Finance Committee received correspondence from the Committee to Advance the Trans-Dominion Express seeking the Town's continued commitment to their efforts. She stated that as the Council knows, the Trans-Dominion Express Committee is seeking to develop rail passenger service in a corridor from Bristol through Wytheville to Richmond. Vice-Mayor King advised that this new mode of transportation, if developed, would be of great benefit to everyone in Virginia by providing a mode of transportation other than the automobile. She noted that the Council financially supported this committee last year with a membership investment of \$500, and the Trans-Dominion Express Committee is requesting the Town to contribute an equal fund this year. Vice-Mayor King indicated that the Budget and Finance Committee believes their efforts are worthwhile, and stated it would be the recommendation of the Committee that the Council continue its financial commitment to the Trans-Dominion Express. A motion was made by Vice-Mayor King and seconded by Councilman Jones that the Council contribute and invest \$500 in the Trans-Dominion Express. 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. Mayor Crewe advised that a contribution of \$500 will be made to the Trans-Dominion Express. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Weisiger, reporting for the Public Works Committee, stated that last year, a new traffic signal was installed on 4th Street at its intersection with Pine Street. He advised that the volume of traffic on 4th Street had increased to the point that it was virtually impossible for Pine Street traffic to safely traverse that intersection. Councilman Weisiger stated that the traffic signal has been effective, but the volumes of traffic using Pine Street have continued to grow likewise. He pointed out that Pine Street is the most northerly route that crosses from one side of town to the other beyond Monroe Street. Councilman Weisiger indicated that because of the volume of traffic on Pine Street, the Committee thinks that it would be beneficial to paint a centerline on Pine Street between 4th and 12th Streets. He stated that parking is permitted on the south side of Pine Street, and parking is not permitted on the north side of Pine Street. Councilman Weisiger advised that members of the Committee have observed that vehicles proceeding east on Pine Street tend to meander to the left of the center of the road when passing parked vehicles. He indicated that the Committee believes that the painting of a centerline will correct this situation, and stated that, therefore, it is the recommendation of the Public Works Committee that the centerline be painted on Pine Street between 4th and 12th Streets. Councilman Weisiger noted in conjunction with these markings, the Committee would also like additional signs, as may be needed, to be installed at the same time. Mayor Crewe advised that the Public Works Committee has recommended painting a centerline, and, as needed, installing signs on Pine Street between 4th and 12th Streets, and inquired if there are any objections. There being none, he stated that the recommendation would be adopted and Director of Public Works Hackler would be advised to begin painting the centerline and installing the signs.

Councilman Weisiger also reported that over the past couple of years, the Virginia Department of Transportation (VDOT) has performed certain studies on the Town's roadway systems in an effort to develop long-range plans for needed roadways. He stated that specifically, the plan would address traffic needs in the year 2020. Councilman Weisiger advised that the report issued by the Department of Transportation addresses both roadways that need to be constructed, but also addresses improvements that could be done to enhance existing roadways. He indicated the Department identified about ten projects that they felt would be of long-range benefit to the Town, and they have now requested that the Council identify three projects that the Council would give priority. Councilman Weisiger advised that both the Public Works Committee and the Budget and Finance Committee reviewed these recommendations, and have identified three projects that would be of benefit to the Town. He noted that unfortunately, given VDOT's financial constraints, it is unlikely that any of these projects will be funded for many years into the future. Councilman Weisiger stated, as a matter of fact, there are projects that were identified in the 1980 study that have not as yet been funded. He indicated the Committee mentions this because the document is well written and identifies many worthwhile projects and is available for review by any person who would like to see this master plan. Mayor Crewe advised that the Committees are in agreement regarding the top three projects, and noted that anyone else who wants to review the report issued by VDOT is welcome to do so. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: APPOINTMENTS – BUILDING CODE APPEALS BOARD

Mayor Crewe advised that the terms of Mr. Dave Harrison and Mr. Dallas Reed to the Building Code Appeals Board will expire July 26, 2003. He inquired if anyone has a motion, and explained that the Council can wait until the next meeting or the appointments can be made now. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to reappoint Mr. Dave Harrison and Mr. Dallas Reed to the Building Code Appeals Board. 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. Mayor Crewe stated that Mr. Harrison and Mr. Reed have been reappointed, and noted that the Council appreciates their service.

RE: APPOINTMENT – WALL OF HONOR COMMITTEE

Mayor Crewe stated the next agenda item is to consider the appointment of a member to the Wall of Honor Committee to fill the unexpired term of Mr. Roy Fowler whose term expires February 1, 2004. He advised the Town has received a recommendation from the American

Legion, and the Wall of Honor Committee has concurred, to appoint Mr. Don Lawson to fill the unexpired term of Mr. Roy Fowler, whose term will expire on February 1, 2004. Mayor Crewe inquired if there is a motion to accept that recommendation. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to accept the recommendation to appoint Mr. Don Lawson to the Wall of Honor Committee to fill the unexpired term of Mr. Roy Fowler whose term expires on February 1, 2004. 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: ORDINANCE NO. 1159 – AMENDMENT TO THE ZONING ORDINANCE

Mayor Crewe presented Ordinance No. 1159, an ordinance amending certain sections of the Zoning Ordinance regarding the uses of shipping containers and truck trailers in various zoning districts. He stated the amended portions are before the Council, and the changes are highlighted, and they basically define the shipping containers, the semi-trailers, and the licensed semi-trailers. Mayor Crewe recognized Mr. William C. Bowen who indicated he would like to address the Council concerning the revisions to the Zoning Ordinance, but does not have any information concerning the changes the Council is considering. Town Manager Sutherland indicated that Mr. Bowen could use his copy of the ordinance and the changes are in bold print. Mayor Crewe indicated that basically, there is a provision now that designates which districts can use the shipping containers and trailers. He stated he would highlight them and requested that Assistant Town Manager Moore correct him if he misses any. Mayor Crewe stated that a shipping container can be allowed in an A-1 Agricultural District and in R-1 Residential, R-1A Residential, and R-1M Residential Districts. He inquired if there is any district where shipping containers are not allowed. Assistant Town Manager Moore advised that generally, the ordinance defines the districts where shipping containers and trailers may be permitted. He noted that shipping containers are permitted in Agricultural Districts. Mayor Crewe inquired if both shipping containers and semi-trailers are permitted. Assistant Town Manager Moore advised that the districts where the shipping containers and semi-trailers are permitted are defined separately. He read from the ordinance, "In Agricultural Districts, shipping containers shall be permitted only if they are used as storage facilities for livestock feed, farm supplies, or farm products. The shipping containers in Agricultural Districts shall be set back from any public right-of-way or adjacent property no less than five hundred (500) feet." Assistant Town Manager Moore noted this defines the use of shipping containers in an Agricultural District. He read from the Ordinance, "In Agricultural Districts, semi-trailers shall be permitted to be parked no longer than twelve months, unless the trailer is currently licensed or is used for hauling livestock, hay, silage, etc., and is permitted on the public right-of-way by a 'farm use' designation." Assistant Town Manager Moore advised that he believes this might answer Mr. Bowen's questions relative to Agricultural Districts. Mayor Crewe inquired if this answered Mr. Bowen's questions. Mr. Bowen requested clarification of the use of semi-trailers. Assistant Town Manager Moore explained that unlicensed semi-trailers may be parked for no longer than twelve months unless they have a "farm use" tag. He stated that if the semi-trailer has a "farm use" designation, it is permitted. Mayor Crewe inquired if there are any further questions, comments or discussion relative to the amendments to the Zoning Ordinance regarding usage of shipping containers and semi-trailers. Mr. Bowen inquired regarding the use of shipping containers for storage. Mayor Crewe advised they may be used only to store the items listed previously. Assistant Town Manager Moore stated that is correct and noted they must be set back five hundred feet from the right-of-way or from a property line. He stated that the items permitted for storage are livestock feed, farm supplies, or farm products, and noted that basically, they may be used for farm operations. Mayor Crewe inquired if there is any further discussion, questions, inquiries or comments. Vice-Mayor King inquired if the ordinance could be adopted on first reading. Mayor Crewe stated that the Council could do that if they so desire. Town Attorney Kaase inquired if the Council would consider including the definition of a semi-trailer for which provision is made in the Virginia Code, Section 46.2-100. Mayor Crewe indicated the Council would consider including the definition if the Town Attorney is recommending that it be included. Town Attorney Kaase explained that there is a state approved definition, and he does not believe that it adds or subtracts from that which is used in the proposed revision, but he would prefer for it to be clear that the Council is not attempting to do something differently. He stated that the definition is, "semi-trailer means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rest on, or is carried by, another vehicle." Town Attorney Kaase indicated that he did not see where that is a great deal different, but he thought if a semicolon was placed after "truck tractor" and then "which shall include semi-trailer as defined by Virginia Code Section 46.2-100 as amended" was added, he believes a question regarding definitions would not occur. Mayor Crewe stated it would be necessary to put that language in Section 3-71B and 3-71C. Town Attorney Kaase indicated that is correct. Mayor Crewe stated that this would further delineate, but not exclude any containers defined in the Ordinance. Town Attorney Kaase advised that the intention is not to

say anything that differs from the Code definition in order for it to be clear that the Town's Ordinance is in line with the Code of Virginia, and noted he does not see any differences except in the approach, and he believes that Assistant Town Manager Moore took the definition from a respected source, but his suggestion is that the Council consider that the Code of Virginia has a definition as well. Mayor Crewe stated that the amendment would be inserted in both the first two paragraphs discussing "Semi-Trailer" and "Semi-Trailer, Licensed" after the words "truck tractor." He inquired if there is a motion to include the amendment in the ordinance. A motion was made by Councilman Jones and seconded by Councilman Weisiger to include the language from the Code of Virginia in Sections 3-71B and 3-71C as amendments to the ordinance. 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. Mayor Crewe inquired if, with the amended ordinance before the Council, there is a motion to adopt the ordinance on first, or first and final reading, or on some other combination. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to suspend the rules and adopt Ordinance Number 1159, an ordinance amending various sections of the Zoning Ordinance regarding the usage of shipping containers and trailers in various zoning districts, on first and final reading. Mayor Crewe inquired if there is any discussion on the motion. Councilman Crockett inquired in regard to the paragraphs discussing "Semi-Trailer" and "Semi-Trailer, Licensed," the portion that states, "In Residential Districts, all semi-trailers shall be parked off of all public rights-of-way, streets, and alleys. In Agricultural and Residential Districts, no advertising shall be permitted on the semi-trailers. Advertising shall not be construed to mean the name and location of the trucking company that owns the semi-trailer." He inquired if he understands correctly that the semi-trailers may have the name of the trucking company that owns it, but no other advertising. Town Manager Sutherland stated that is correct. Mayor Crewe 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, Charles G. Crockett

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1159, as amended, was adopted on first, and final, reading. Mayor Crewe advised the ordinance is effective immediately. He noted that the Council appreciates Mr. Bowen's attendance and thanks him for his help.

RE: SPECIAL EXCEPTION PERMIT – TERRYS

Mayor Crewe stated the next agenda item is to consider the request of Richard L. and Debra D. Terry for the issuance of a special exception permit to operate an auto detailing business at 375 South Twentieth Street which is located on the west side of Twentieth Street between Washington and Spring Streets in an R-3 Residential District. He noted the Council has the report from the Planning Commission that recommends that the special exception permit be issued with eleven stipulations, which the Council has before them, that it is issued only to Richard and Debra Terry, that no more than three autos be permitted on site exclusive of the owner's cars and any cars owned by the resident(s) of the house, that only Mr. Chuck Baker and two other employees be permitted to operate the business, that outside operations shall only be conducted between the hours of 8:00 a.m. and 5:00 p.m., that noisy operations must be confined to inside the garage, that painting more than minor touch up paint work or spraying fender wells will not be permitted, that accumulation of trash, towels, paper, etc. used in the operations not be permitted and that all trash must be confined to suitable trash containers, that the special exception permit be granted for a one-year period, at the end of which it will be reviewed and a decision made as to whether it should be renewed, and during that one-year period, there be a quarterly inspection of the facility to verify there are no environmental concerns, etc., that with the exception of the provisions of the special exception permit, the auto detailing business meet the requirements of a home occupation, that the special exception permit, if issued, will not relieve the applicants from other associated regulatory provisions of the Zoning Ordinance, Building Code, etc., and that failure to comply with these conditions would be grounds for rescinding this special exception permit. He noted that is the recommendation of the Planning Commission and inquired if there is a motion to adopt or alter the recommendation of the Planning Commission. A motion was made by Vice-Mayor King and seconded by Councilman Jones to adopt the recommendation of the Planning Commission. Mayor Crewe inquired if there is any discussion on the motion. Councilman Crockett inquired if signage had been addressed in the recommendation to issue the special exception permit. Town Manager Sutherland indicated that signage would be addressed by the requirements of a home

occupation. Mayor Crewe inquired of Mr. and Mrs. Terry if the exceptions and stipulations in the special exception permit were acceptable. Mr. and Mrs. Terry indicated the exceptions and stipulations were acceptable. Mayor Crewe inquired if there are any other questions or discussion on the motion. There being none, the motion to accept the recommendation of the Planning Commission and grant a special exception permit with the stipulations listed 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. Against: None. Abstentions: Charles G. Crockett. Councilman Crockett explained he would abstain from voting because his wife owns adjacent property, and, although there would be no question of a conflict of interest, he feels it would be best to abstain from the vote. Mayor Crewe indicated this would be noted and stated that the motion was adopted.

RE: REQUEST FOR THE CONSTRUCTION OF TOWNHOUSES

Mayor Crewe stated the next agenda item is to consider the recommendation of the Planning Commission concerning the request of Mr. Robert James for the construction of townhouses on property located at the intersection of Umberger Street and Fisher Road, which is located in an R-3 Residential District. He advised that the recommendation of the Planning Commission is that the Council approve the request as presented. Mayor Crewe inquired if there is a motion to approve the request. A motion was made by Councilman Jones and seconded by Vice-Mayor King to approve the request of Mr. Robert James for the construction of townhouses on property located at the intersection of Umberger Street and Fisher Road, which is located in an R-3 Residential District. Mayor Crewe inquired if there is any discussion on the motion to grant the request and noted that the Council would not be approving a rezoning, but would be approving a request that the townhouses be constructed. He inquired if that is correct. Councilman Jones advised that all the requirements of the building code have been met. Mayor Crewe inquired why, if the requirements have been met, would the Council have to approve the request. Town Manager Sutherland explained that under the townhouse provision, it is noted that the construction of townhouses shall be reviewed. Mayor Crewe inquired if there is any further discussion on the motion. There being none, the motion to accept the recommendation of the Planning Commission and grant the request for the construction of townhouses 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: REZONING REQUEST – THOMAS B. BAIRD, JR.

Mayor Crewe stated the next agenda item is to consider the request of Mr. Thomas B. Baird, Jr. for the rezoning of property located at 420 and 430 North Fourth Street which is located on the east side of Fourth Street between Spiller and Pine Streets from R-2 Residential to B-1 Business with Conditions. He advised that the recommendation from the Planning Commission is that the Council approve the rezoning request for the rezoning of the property from R-2 Residential to B-1 Business with five restrictions. Mayor Crewe stated that the zoning uses to be excluded from those normally permitted would include: 1) Mobile homes with a special exception permit, 2) Auto and home appliance stores, 3) Retail and wholesale lumber and building supply, with storage under cover. Cover shall be construed to be a building with a roof and at least three sides. No planing or other major machinery work may be performed. 4) Retail and wholesale plumbing and electrical supply, with storage under cover. Cover shall be construed to be a building with a roof and at least three sides. Major machinery work may not be performed. 5) Automobile display and sales (with no repair or maintenance service). He explained that these five uses are uses that could have occurred on this location with the rezoning, but are being excluded from what the general B-1 Business designation would permit. Mayor Crewe stated B-1 Business uses other than these five would be permitted, but these five uses would not be permitted. Town Manager Sutherland indicated that is correct. Mayor Crewe inquired if there is a motion to approve the request. Councilman Jones noted that it would be necessary for Council to conduct a public hearing on this request, and a motion was made by Councilman Jones to set a public hearing to be conducted on August 11, 2003. Mayor Crewe inquired if there are objections to setting a public hearing for August 11, 2003. There being none, he indicated the advertising requirements could be met and a hearing should be scheduled for August 11, 2003.

RE: RABEC SERVICES, INC. – SPECIAL EXCEPTION PERMIT REQUEST

Mayor Crewe stated the next agenda item is the request of Rabec Services, Incorporated for a special exception permit to renovate and/or construct a commercial office building on the south side of Franklin Street between Sixth and Eighth Streets in an R-2 Residential District (former Wytheville Manor). He advised that this request, likewise, comes from the Planning Commission with a recommendation that the Town Council approve the request with seven stipulations, and

a public hearing must also be scheduled for this request, which could also be scheduled for August 11, 2003. Mayor Crewe inquired if there are objections to setting this public hearing. There being none, he indicated the hearing should be scheduled for August 11, 2003

RE: MARQUEE CINEMAS ZONING ORDINANCE AMENDMENT

Mayor Crewe stated the next agenda item is the consideration of changes to amend the Town of Wytheville Zoning Ordinance, Section XVI, General Provisions, Subsection 16-6.3, regarding the number of parking spaces required for a movie theater. He advised that the change would include changing the requirement from one (1) parking space for every three (3) persons for which seats are provided to one (1) parking space for every three and one-half (3.5) persons for which seats are provided. Mayor Crewe advised that this amendment, likewise, would require a public hearing, which could be held on August 11, 2003, and inquired if there are objections to setting this public hearing. There being none, he indicated the hearing should be scheduled for August 11, 2003.

RE: A-95 REVIEW

Mayor Crewe stated the next agenda item is the consideration of an A-95 Review of the Mountain Empire Airport-Smyth Wythe Airport Commission for Federal Aviation Administration funds to design an east apron and terminal access road, and noted there is no local funding involved. He advised total funding for the project would be \$88,091 of federal funds, \$7,830 of state funds, and \$1,958 to be paid by the Airport Commission. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to give a favorable review to an A-95 Review of the Mountain Empire Airport for Federal Aviation Administration funds to design an east apron and terminal access road. Mayor Crewe inquired if there is any discussion on the motion. Councilman Crockett indicated that on the last page of the report, it speaks of local budget amounts of \$1,957.68, which is the same amount that is designated "applicant" on the first page. He advised that he assumes that this indicates "applicant" rather than local funding from local governing bodies. Town Manager Sutherland indicated that the report would seem to indicate that the Commission has sufficient funds to cover this amount. Mayor Crewe advised that his understanding is that they are not requesting any new funds from the local governing bodies. 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: ADJOURNMENT

Mayor Crewe inquired if there is any further business to be discussed. There being none, a motion was duly made, seconded, and carried to adjourn the meeting (7:45 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, CMC, Clerk of Council

BUDGET AND FINANCE COMMITTEE REPORT

JULY 28, 2003

1. Earlier this year, the Town made application for funding for the construction of child care facilities that will be included in the new Community Center by submitting a competitive grant proposal in the 2003 Virginia Community Development Block Grant Program. According to a letter from the Department, they have now completed the review of all grant applications. There were one thousand points available in their rating system, and our proposal received seven hundred twelve points. The Department noted that grant offers have been made to local governments with proposals receiving seven hundred thirty-one or more points. Forty-four applications were made and twenty-five offers have been given to various localities throughout the state. Our application was ranked number twenty-six. Fortunately, being ranked number twenty-six may well result in our receiving an offer of a grant if any of the twenty-five awarded programs choose not to accept the offer or who cannot fulfill the terms in their proposal.
2. We are in receipt of the response provided by the United States Postal Service to Congressman Boucher's inquiry. The pertinent paragraph is as follows: "As outlined in Bruce Perry's letter dated May 8, 2003, the proposed plans that the Town Manager presented to us for the revisions to the 'snorkel lane' at the Wytheville, Virginia, Post Office are acceptable. However, due to our present budget

constraints, we are not able to assist in funding the project at this time.”

We had hoped intervention by Congressman Boucher’s office would have prompted some action by the Postal Service, but, unfortunately, this did not occur. We will continue our efforts with the Postal Service to get these corrective actions performed.

Back

Jacqueline K. King

John W. Jones, Jr.

PUBLIC WORKS COMMITTEE REPORT

JULY 28, 2003

1. Both our Committee and the Budget and Finance Committee continue to have inquiries concerning visibility problems associated with diagonal parking on Main Street and vehicles wanting to enter Main Street from one of the cross streets. The diagonal parking along Main Street was created at the request of many businesses and offices along Main Street seeking additional parking spaces. There have always been diagonal parking spaces between Sixth and Fifth Streets, and the newly created diagonal spaces are between Fifth and Eleventh Streets and between Sixth and Twelfth Streets. We have asked the Police Department to do a survey of all accidents that have occurred on Main Street for the past year. Interestingly, all of the accidents on Main Street are the result of other causes such as improper backing or failure to yield right of way at a traffic signal. We will continue to monitor this situation to determine if there are any safety problems or an increased number of accidents associated with the diagonal parking.
2. Our Committee met last week with representatives from Wythe County and engineers from the Davis-Martin-Powell and Associates, Incorporated, engineering firm. The purpose of the meeting was to give both the Council and the County representatives an overview of the work that would need to be performed between Wytheville and the end of the County's line near KOA to complete the interconnection of the two water systems. For the Town, there would need to be a

twenty-inch water main installed on the southern frontage road from a point near Edgemont Center eastwardly to a point near Mark IV Honda. Simultaneously, the County would need to install a twenty-inch water main from a point near Mark IV Honda eastwardly to a point near the Cedar Hill Church. Subsequently, a new line would also be constructed from a point near the corporate limits at Reed Creek northeastwardly to the southern end of Progress Park. The estimated cost of the initial extension of the twenty-inch line is approximately \$400,000. As we discussed at our meeting, it is now time to start seeking funding from various agencies, particularly Rural Development. Their funding application process may well take more than one year to complete, and we think it is worthwhile to proceed with starting the application process. If the Council concurs, we will proceed with doing all of this preliminary work. Of course, we will bring all this back to Council for formal approval before submitting it to the different agencies.

Back

William B. Weisiger

Charles G. Crockett