

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JULY 28, 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 John Humphrey, Stephanie Porter-Nichols with Wytheville Enterprise, Joe Sheffey, Sr., Kenneth Rich, John Ward

RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE

Mayor Crewe called the meeting to order and established that a quorum of Council members was present.

Councilman Crockett stated before he gives the invocation, he would like to comment on several items. He remarked that today they announced the death of Bob Hope, and noted he is sure this has impacted all of the Council members, especially those who are veterans who may have heard him at some point. Councilman Crockett indicated that Mr. Hope dedicated many of his Christmases to entertaining troops throughout the world, and, certainly, the veterans are appreciative of that, and are sorry to hear of his death and would send their regrets to Mr. Hope's family.

Councilman Crockett indicated that yesterday they celebrated the 50th Anniversary of the Korean troops, and noted he happened to be there at the time. He remarked he did not remember any particular celebration because no one felt it would hold. Councilman Crockett stated there was one thing he would like to share. He remarked that sometimes when conflicts end, the killing does not stop. Councilman Crockett advised that he was in the Engineer Field Maintenance, and they repaired heavy equipment. He stated he remembers seeing a tractor come into their area that had been blown all over the place by a land mine while they were repairing the military zone. Councilman Crockett noted he did not know the driver because he was from another unit. He remarked it has always kind of struck him that people still get killed and there is still the same thing in Iraq today. Councilman Crockett advised it did bring back a lot of memories yesterday when Ms. Stephanie Porter-Nichols commented in the editorials, and noted he appreciated it.

Councilman Crockett advised that there is one other comment he would like to make, and noted he has told several of the Council members this story. He remarked that when he was going to Korea, he was waiting to board a ship, and he watched them load casket after casket after casket of men who had been killed in Korea into the hull of the ship he was going to be climbing on. He noted these bodies and the remains had been processed in Japan, and then they would ship them by boat back to the United States. Councilman Crockett remarked that he remembers sitting on a duffle bag waiting to board the ship while they loaded all of these caskets. He noted this brings the conflict down to the real "nitty gritty" that people do get killed, and it is a horrible situation. Councilman Crockett indicated that he could not help but think, and has often thought, that a few weeks after that those many, many funerals would be held in the United States for these men, and he would assume women, too, that had been killed in battle. He stated this brings back a lot of memories.

The invocation was then given by Councilman Crockett followed by the Pledge of Allegiance led by Councilman Weisiger. Mayor Crewe thanked Councilman Crockett for the excellent prayer and for his thoughts.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of July 14, 2003. A motion was made by Councilman Weisiger and seconded by Vice-Mayor King to approve the consent agenda consisting of the minutes of the regular meeting of July 14, 2003. 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 – SEWER BONDS

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider the proposed issuance of bonds to provide funds, together with other available funds, to finance improvements to the sewer system of the Town, at an estimated maximum amount of \$822,000. He indicated that the bond funds would be held by Rural Development, and they will pay to finance the improvements projected to the sewer system. Mayor Crewe advised that the Council will take action on this matter later in the meeting. He inquired if there are persons present who wish to address Council during the public hearing. There being none, he declared the public hearing closed. Mayor Crewe reiterated that the Council will take action on the bonds later in the meeting.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. Town Manager Sutherland advised that he met today with a gentleman from Norfolk Southern Railroad Company who noted they are going to be reworking the crossings on Church Street and Sixth Street. The railroad representative advised that in the process of redoing the railroad crossings, the Church Street crossing would be required to be closed about one day to have the crossing completely reworked. The Sixth Street crossing will require about two days to be reworked. For the Sixth Street crossing, the railroad will open it on the night of the first day so people could cross there, but the crossing would be closed the following day. Tentatively, Norfolk Southern Railroad plans on reworking the Church Street crossing on August 11, and the work on the Sixth Street crossing will be performed on August 12 and 13. Town Manager Sutherland advised that he wanted to note this to the Council, and as the time draws near, the Town will put something in the press before that time so the citizens will know the crossings will be closed on those particular days.
2. A couple of weeks ago, the Town approved the painting of a double yellow line on Pine Street between 4th and 12th Streets. Town Manager Sutherland advised that the line is being painted this evening, and the Council should be able to view it when they leave from the meeting.
3. The Town received a memorandum today from Mr. Howard Dobbins who is the attorney for the VML/VACO APCO Steering Committee. AEP has now agreed in principal and the documents have not been executed, but AEP has agreed that they would extend the public service tariffs until the year 2007. This is good news and what the Town had hoped AEP would do.

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. Forrest Seagle is attending the meeting on behalf of the Wytheville Redevelopment and Housing Authority to talk about the Cassell Road property. Mr. Seagle was recognized and stated he is attending the meeting to give the Council an update and to make a request. Mr. Seagle explained that the Wytheville Redevelopment and Housing Authority recently purchased a tract of land on Cassell Road of approximately three acres. He noted that they plan to build a complex on this property which will be four buildings with four apartments in each one, for a total of 16 units, and advised this is the Housing Authority's tentative plan. Mr. Seagle stated they hope to get the construction started on these buildings in the early part of 2004. He advised that the request he has is that Council realign the boundaries on the north side of Cassell Road to conform with the remainder of Cassell Road. He advised it seems as though a few years ago, the Town straightened a curve on that particular road, and it leaves a gap of approximately 20 to 30 feet in front of this land they have purchased. Mayor Crewe inquired if Mr. Seagle is referring to the bottom of the diagram. Mr. Seagle stated that is correct. He noted the Housing Authority is requesting that the Town realign this street, and for the property that is there, they could use this portion of the right of way as a setback, etc. Mr. Seagle remarked that on this same piece of property, there is a right of way at the west end of it, and this right of way only crosses this one piece of land that the Housing Authority owns, and it no longer goes anywhere else. He advised it is a useless piece of land, and the Housing Authority is requesting that the Council abandon this right of way. Mayor Crewe inquired if the Housing Authority owns Lots 1 and 2. Mr. Seagle stated that is correct. Mayor Crewe noted that he believes in the Town Manager's Report that Town Manager Sutherland advised there are some utilities in the right of way. Town Manager Sutherland stated that is correct. Mayor Crewe

remarked that if the Town leaves the utilities where they are located, it will not affect what the Housing Authority wants to do. Mr. Seagle advised that the Housing Authority could use the right of way as part of the setback, and they would not be building on that particular section of property. Mayor Crewe remarked that leaving the utilities in place would not cause the Housing Authority any problems. Mr. Seagle advised that is correct. Town Manager Sutherland inquired as to the owner of an abutting parcel of property. Mr. Seagle noted that Gladys Rider did own the property, but he understands that Ms. Rider may have sold it to the church that is next door to this property. He indicated that Ms. Rider told him she thought she had sold the property to the church. Mr. Seagle indicated that if this action is approved, the Housing Authority hopes to start preparations on the land as soon as possible, and hopes to start building after the first of the year. He stated any help the Council could provide to the Housing Authority would be appreciated. Town Manager Sutherland advised that this matter is on the Public Works Committee's agenda for their meeting in the morning. Mayor Crewe inquired if this did not count as a formal request for the closing of the right of way and noted there is an application process that the Town goes through in order to close a street. He inquired if the Housing Authority is under the same regulations as an individual. Town Manager Sutherland advised that is correct, and that is why he inquired as to who the other property owner is because, obviously, they have a vested interest in what would happen to the right of way. He explained that the only other provision within that application process is the \$100 fee, and the Council can determine what they are going to do about the fee, but there is an application process. Town Manager Sutherland noted that he thought it may be helpful to see where everything goes before the Housing Authority actually goes through the process of making an application. Councilman Crockett inquired if this would require a public hearing to close a street. Town Manager Sutherland stated it does require a public hearing. He remarked that he is unsure who owns all of the parcels of property that would be affected, and Town staff would have to research this. Town Attorney Kaase stated he is assuming the right of way serves the WRHA Cassell property based on the drawings. Mr. Seagle inquired as to which land they are discussing. Mayor Crewe depicted the parcel of property on the map. Mr. Seagle stated that this property belongs to Longview Apartments. Town Attorney Kaase inquired as to whom the 30-foot right of way provides ingress and egress for. Mr. Seagle explained that it no longer provides ingress and egress, but it did provide openings to the hayfield where Longview Apartments are currently located. Town Attorney Kaase remarked that the Housing Authority has united the ownership of all of the property owners. Mr. Seagle stated just the two property owners. Mayor Crewe remarked that there are three property owners, and he depicted them on the map. He advised that they are Longview Apartments, the Rider property or the church property if it has been sold, and the Housing Authority. Mayor Crewe noted the Town still owns a portion of property where they straightened Cassell Road, and the parcel marked in yellow on the map is the property in question. Mr. Seagle advised that is correct. Mayor Crewe noted he thinks Mr. Seagle is correct, and noted he has not been out in this area for some time, but he does not think this 30-foot right of way is used any longer. Councilman Crockett noted that this right of way basically goes into a building. He explained that where Mr. Seagle has the gate shown on the map, beyond that gate is one of the units to Longview Apartments. Councilman Crockett stated he drove up there one time, and if a person followed the right of way, they would drive into a building. He remarked he did not know why when those units were built that this did not become an issue at that time, and it did not provide access to the other property. Mayor Crewe advised that the Council can review this, but his recollection is the right of way stopped at the property line. He noted, therefore, they did not need for the right of way to be closed because they did not have to mow it, etc. Mayor Crewe remarked that he did not know what they are using the right of way for. Mr. Seagle indicated that this is the way he also understood it. Mayor Crewe remarked that he thinks the right of way served the property now owned by Longview Apartments. Mr. Seagle advised that is correct. Mayor Crewe remarked that the Town needs to review this. He noted this is one of the things that would speed the process since the Housing Authority needs to get construction done before the winter, and they need to get the ground laid, etc. Mayor Crewe inquired if it would be of any advantage to proceed to advertise the public hearing. Town Manager Sutherland remarked that the current application form requires that the abutting property owners be signatories of this. Mayor Crewe advised that the Public Works Committee could discuss it at their meeting in the morning to see if they can speed this along. He inquired if he is reading the Council correctly that the consensus is to speed the closing of this right of way along as quickly as possible. He inquired if anyone has any objections to this. It was the consensus of Council to refer this matter to the Public Works Committee for their review and to instruct Town staff to set a public hearing when the application is received and the Council will take formal action on it at the next meeting. Mayor Crewe advised this will be a topic for the Public Works Committee to discuss in the morning at their 7:00 a.m. meeting. Mr. Seagle thanked the Council for their assistance. Mayor Crewe advised Mr. Seagle that he is welcome to attend the meeting in the morning if he desired. Mr. John Ward inquired if the Housing Authority needs to make a formal application before the meeting in the morning. Town Manager Sutherland and Mayor Crewe advised that it will not be necessary for the Housing Authority to file an application before the Public Works Committee meeting in the morning. Mayor Crewe pointed out that the Housing

Authority will need to make a formal application in the very near future in order to proceed in the process. Councilman Crockett inquired if the adjoining property owners would also need to make the request. Mayor Crewe answered that is correct, but noted if the Rider property has been sold, there is another issue as to who would sign the application. He noted the church may need to take some formal action through some official body. Mayor Crewe explained that all of this will need to be examined and determined, but advised it can be done, and there are several things that need to take place.

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

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, stated that 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. He noted that according to a letter from the Department, they have now completed the review of all grant applications. Councilman Jones stated there were one thousand points available in their rating system, and the Town's proposal received seven hundred twelve points. Councilman Jones remarked that the Department noted that grant offers have been made to local governments with proposals receiving seven hundred thirty-one or more points. He remarked that forty-four applications were made and twenty-five offers have been given to various localities throughout the state. Councilman Jones advised that the Town's application was ranked number twenty-six. He remarked that fortunately, being ranked number twenty-six may well result in the Town receiving an offer of a grant if any of the twenty-five awarded programs choose not to accept the offer or cannot fulfill the terms in their proposal. Mayor Crewe inquired if the Town has any hint as to how often the other programs do not accept the grant. Town Manager Sutherland answered that he thinks in every funding round, there is usually someone who does not accept the grant money. Mayor Crewe advised that there may then be some money available.

Councilman Jones also reported that the Town is in receipt of the response provided by the United States Postal Service to Congressman Boucher's inquiry. He remarked that 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." Councilman Jones stated that the Town had hoped intervention by Congressman Boucher's office would have prompted some action by the Postal Service, but, unfortunately, this did not occur. He advised that the Town will continue its efforts with the Postal Service to get these corrective actions performed. Vice-Mayor King noted she thinks the Town should write the postmaster another letter and inform him that he needs to walk outside in the front and back of the building and look again at the mulch where the weeds are growing up through it. Mayor Crewe inquired as to what the Post Office did to the door today and inquired if anyone has been at the Post Office today. He noted that yesterday the door was broken, and today the sign notes that the door is broken, but the handle is back on it. Councilman Jones remarked that when he went into the Post Office on Saturday, the screw on the door had come loose, and when a person pulled on it, the bottom part would come out. Mayor Crewe remarked that the screw in the door had been loose for a month, and he guessed it probably broke on Saturday. He noted it looked like it had a new handle on the door today, but the sign is still on the door. Mayor Crewe remarked that he guesses the Post Office does not have money in their budget to fix the door. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Crockett, reporting for the Public Works Committee, stated that both their 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. He noted the diagonal parking along Main Street was created at the request of many businesses and offices along Main Street seeking additional parking spaces. Councilman Crockett advised that there have always been diagonal parking spaces between Sixth and Fifth Streets, and the newly created diagonal parking spaces are between Fifth and Eleventh Streets and between Sixth and Twelfth Streets. He remarked that the Town has asked the Police Department to do a survey of all accidents that have occurred on Main Street for the past year. Councilman Crockett pointed out that 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 the traffic signal. He advised that the Committee 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.

Councilman Crockett also reported that the Public Works Committee met last week with representatives from Wythe County and engineers from the Davis-Martin-Powell and Associates, Incorporated, engineering firm. He advised 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. Councilman Crockett noted that 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. He stated that 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. Councilman Crockett indicated that 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. He stated the estimated cost of the initial extension of the twenty-inch line is approximately \$400,000. Councilman Crockett noted that as the Committee discussed at its meeting, it is now time to start seeking funding from various agencies, particularly Rural Development. He stated their funding application process may well take more than one year to complete, and the Committee thinks it is worthwhile to proceed with starting the application process. Councilman Crockett advised that if the Council concurs, the Town will proceed with doing all of this preliminary work. He noted that of course, the Committee will bring all this back to Council for formal approval before submitting it to the different agencies. Mayor Crewe inquired if anyone on Council has any problems with proceeding with the preliminary work to try to pursue this funding. It was the consensus of the Council for the Town to proceed with the preliminary work to pursue funding for the interconnection of the Town's and County's water systems. Mayor Crewe stated the Council looks forward to the Committee moving forward with this and to receiving additional information on this project. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: APPOINTMENT – WILLOW BROOK JACKSON/UMBERGER HOMESTEAD MUSEUM ADVISORY BOARD

Mayor Crewe stated the next agenda item is the appointment of a member to the Willow Brook Jackson/Umberger Homestead Museum Advisory Board to fill the unexpired term of Mr. Tom Bralley whose term expires May 29, 2005. He noted that Mr. Bralley has submitted a letter of resignation, and the Advisory Board has recommended that Mr. Sidney Kitts be appointed to fill the unexpired term of Mr. Bralley. A motion was made by Councilman Weisiger and seconded by Vice-Mayor King to appoint Mr. Sidney Kitts to the Willow Brook Jackson/Umberger Homestead Museum Advisory Board to fill the unexpired term of Mr. Tom Bralley. 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: RESOLUTION – SEWER BOND

Mayor Crewe stated the next agenda item is the consideration of a resolution authorizing the issuance, sale, detail and payment of \$822,000 general obligation sewer bonds for the Town of Wytheville, Virginia. He noted this resolution consists of several pages in the Council member's package. Mayor Crewe explained that the resolution authorizes the issuance and sale of a maximum amount of \$822,000 general obligation sewer bonds to finance improvements to the Town's sewer system. A motion was made by Councilman Weisiger and seconded by Vice-Mayor King to adopt the resolution authorizing the issuance, sale, detail and payment of \$822,000 general obligation sewer bonds for the Town of Wytheville. 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: A-95 REVIEW – WYTHEVILLE VISITORS CENTER

Mayor Crewe stated the next agenda item is an A-95 Review of the Town of Wytheville for improvements to a marketing center for small emerging private business growth. He noted this A-95 Review is for the Town's Visitor's Center at Tazewell and Fourth Streets. Mayor Crewe explained that there is \$87,984 of local funds and \$95,000 of Federal funds, for a total project cost of \$182,984. A motion was made by Councilman Weisiger and seconded by Councilman Jones to give a favorable review to an A-95 Review for the Town of Wytheville for improvements to a marketing center for small emerging private business growth. 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: 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 (7:30 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, CMC, Clerk of Council

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BUDGET AND FINANCE COMMITTEE REPORT

AUGUST 11, 2003

1. The Joint Industrial Development Authority (JIDA) is in the process of preparing an application to designate Progress Park as a State Enterprise Zone. An Enterprise Zone is an area designated by the state where qualifying businesses and industries can receive certain incentives that will encourage economic development activities in that district. Progress Park currently has such a designation, but this designation will expire in the next year. There are limited numbers of Enterprise Zones distributed across the state, and having a particular area designated is a competitive process based on application data. The JIDA has suggested that the Town may want the Progress Park Enterprise Zone to extend to the corporate limits to serve some portions of properties located on the east side of Nye Road. We have a general knowledge of the workings of these Enterprise Zones, but think that it would be helpful if a representative from the JIDA would attend a Council meeting and give us a thorough overview in order that we might be able to make an informed decision. If the Council agrees, we will ask the JIDA to make such a presentation to us at the next meeting.
2. We continue in our efforts to commence the construction of the new Community Center. Several months ago, we reported that we had determined it was in our best interest to proceed with performing the excavation on the site while the architects

finished the drawings on the building. We have now received approval from Rural Development to proceed in this fashion, and have advertised bid for this work. Bids will be received on September 4, and, assuming that we receive acceptable quotations, work could commence very shortly thereafter. Hopefully, by or about the time that the excavation is being completed, the actual building project can be advertised for bid. We think it would be appropriate to have a groundbreaking ceremony after receipt and award of the bids for the site excavation. We will be discussing this in Committee meetings over the next several weeks.

Jacqueline K. King

John W. Jones, Jr.

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PUBLIC WORKS COMMITTEE REPORT

AUGUST 11, 2003

1. As the Council will recall, at our last meeting, Mr. Seagle and Mr. Ward, representing the Wytheville Redevelopment and Housing Authority, requested Council's consideration of the abandonment of certain rights of way along Cassell Road that would facilitate their plans to construct new dwelling units. As a result of their inquiry, we have reviewed plats and other deed information that may be pertinent to our consideration. There are basically two sections of right of way that the Housing Authority was asking us to consider. The first was a thirty-foot right of way on the southwest boundary of their property, and the second was the residual right of way that resulted in the relocation of the pavement of Cassell Road. In our review, we find that the ownership of the thirty-foot right of way is most likely vested with the Longview Apartment complex. We have advised the Housing Authority that ownership of this thirty-foot right of way is unclear, and suggested that their attorney may want to determine the ownership. The triangular portion of land along Cassell Road that abuts the Housing Authority property has both a water and sewer line in it. If the Council chose to abandon some areas of this right of way, it would necessarily require that we maintain utility easements in this location. The only advantage in closing any of these portions of existing rights of way would be in meeting setback requirements such as front yards and side yards. We are going to continue to review this matter, and once we have received additional information from the Housing Authority's attorney, we will make a recommendation to the Council.

2. The Town has started the process of soliciting applications for persons desiring to hunt on Town-owned land on Sand Mountain. The process that we are using this year is the same as in past years where we will accept applications and then randomly select forty persons who will receive a permit to hunt on the land. The permit, once issued, allows the individual to hunt on the land for any game that is permitted by the state during that particular season. By and large, though, most of the interest in obtaining a hunting permit is for deer hunting. We have received a number of comments from interested citizens and asked for input from the Department of Game and Inland Fisheries concerning the imposition of certain size standards, which will promote the deer population growing to a more mature age. It has been suggested, and we agree, that any deer harvested on the Town-owned land will be of the size that it has at least four points on at least one side of the rack, or that the rack itself be at least as wide as the deer's ears. These standards seemingly assure that the deer is of a more mature age. The purpose in harvesting only mature deer is that it gives younger buck deer the opportunity to grow to a larger size. It is our suggestion, unless the Council disagrees, that we impose this size standard in the regulations for all permit holders this year.

William B. Weisiger

Charles G. Crockett

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