

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, AUGUST 11, 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, Liza Field, Michael C. Banks, Billie Henley, Richard Herring, Jan Herring, Randy Cost, Carol Easter, Freddie M. Fowler, Richard Formato, Vicky Petty, Joe Sheffey, Sr., M. Graham, Bill Gilmer, Sr.

**RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE**

Mayor Crewe called the meeting to order and established that a quorum of Council members was present. The invocation was given by Councilman Crockett followed by the Pledge of Allegiance led by Vice-Mayor King.

**RE: CONSENT AGENDA**

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of July 28, 2003, and the request of the Wythe Chapter of the Greater Blue Ridge March of Dimes to conduct their annual March of Dimes Walk on September 27, 2003. He remarked that he knows that Councilman Crockett has an amendment to the minutes. A motion was made by Councilman Crockett to amend the minutes, and he stated that in the second paragraph of the minutes on Page 1 where he alluded to the Korean War, it should read, "50<sup>th</sup> Anniversary of the end of the Korean conflict" and noted that the word "troops" should be deleted, and then to approve the consent agenda consisting of the minutes of the regular meeting of July 28, 2003, as amended, and the request of the Wythe Chapter of the Greater Blue Ridge March of Dimes to conduct their annual March of Dimes Walk on September 27, 2003. Mayor Crewe advised that Councilman Crockett's motion is to make this amendment to the minutes and to otherwise approve the minutes as written as well as to approve the request of the March of Dimes. Councilman Crockett stated that is correct. The motion was seconded by Councilman Weisiger. 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, William B. Weisiger, Charles G. Crockett. Against: None. Councilman Jones was not present during the voting on the consent agenda.

**RE: PUBLIC HEARING – ZONING ORDINANCE AMENDMENT**

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider amending 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 noted this revision would change the ordinance from one parking space for every three seats to one parking space for every 3.5 seats. Mayor Crewe noted that several citizens have indicated that they wish to speak regarding zoning. He remarked that he is unsure which issue the citizens would like to address with the Council. Mayor Crewe inquired if there are persons present who wish to address the Council during this public hearing.

Ms. Liza Field was recognized and stated she lives in Wytheville. She noted that to get the facts straight, this is a clause in the ordinance which requires for every three people who come to the theater, there would need to be one parking space, and the Council is considering changing it to 1.5 parking spaces. Mayor Crewe stated that is not correct, and the Town is going to change it to 3.5 persons. Ms. Field inquired if 3.5 persons would equal one parking space. Mayor Crewe stated that is correct and noted this is the proposal. Ms. Field remarked that this proposed change is to accommodate a new multiplex theater near the interstate. Mayor Crewe noted that this company made the request and brought it to the attention of the Town Council, but it would be applicable all over town and not just this one location. Ms. Field noted that regarding this one situation or the reason it came up, and stated she is not one for promoting more asphalt and indicated that she did not want there to be more asphalt in that development, but she feels like every time something comes up like this, especially regarding zoning, if it promises to bring in more revenue, the Town often approves it. Ms. Field stated she feels that everyone makes a lot of their decisions in the Town and the County, and noted it is a generic thing across the continent but especially in Wytheville, but she has noticed that the Town makes decisions on what will bring in the most revenue. She noted she thinks that the Town runs in to some ethical problems with this. Ms. Field remarked that back to the theaters, Mr. Richard Herring who runs the Millwald Theater, often at great loss to himself, is doing the community a service by having the old theater in the town. She advised it came up this past winter that one of the neighboring

businesses complained that Mr. Herring was taking up too much parking around Christmastime. Ms. Field pointed out that now, because of this parking issue, Mr. Herring cannot have a Saturday matinee that runs over two hours because his clients receive a parking ticket. She remarked that when she heard about this, it seemed ironic that the Council would be changing the Zoning Ordinance to accommodate this big multiplex theater out by the interstate. Ms. Field noted she had a hunch that the Town was doing this because it would bring in more revenue. She advised that Mr. Herring may not be a great revenue maker, but he is a big friend to this community, and people around this area and the County love this theater. Ms. Field remarked that the theater is something that goes beyond the value of money. She noted that people can walk to the theater, but they cannot walk out to Wal-Mart because it is a hellacious landscape surrounded by a guardrail. Ms. Field advised that people take their lives into their own hands if they try to cross Fourth Avenue to get there. She remarked that everyone talked about a greenway for approximately eight or nine years, and each year, they put off that idea that would have connected a greenway all of the way through the Town branch to the other side of town. Ms. Field advised that the Town makes decisions, and they put off things like applying for T-21 funds for a greenway, but it seems like the Council's priorities in Town are what is going to bring in the most money the fastest. She noted that the Town ends up creating a wasteland where people cannot walk and there is no sense of community. Ms. Field remarked that people come and they walk over to the Millwald Theater from all parts of town, they stand around before and after the show out on the sidewalk, they walk over to Mario's, they talk to each other, and they see familiar faces. She pointed out that beyond that, she feels like no one knows all of the things that the Herrings do for the community. Ms. Field remarked that they work with the disadvantaged population, like she does, and the Herrings let people come from the Family Resource Center to see the movies for free. She noted that Mr. Herring started this at great risk to himself, and he could have gotten in trouble with the film industry. Ms. Field remarked that instead, Mr. Herring went to the film industry at some conference and announced what he was doing, and they all voted to let him do this. Ms. Field indicated that she has seen clients with bruises on their faces who have never cracked a smile the entire time they have been at the shelter, and they take them over to the dumbest movie a person could imagine, and they are having the best time. She noted it makes the clients laugh. Ms. Field remarked that she did not know how a price could be put on something like this. She advised that Mr. Herring also does benefits for Crossroads Shelter, and he helps out with the Chautauqua Festival. Ms. Field stated that what she has mentioned is one-half of a percent of what the Herrings do for this community. She advised she knows this is not an issue about whether to let a new business come in, and they can come in if they want to, but if the Town is "bending over backwards" to help someone just because they are going to bring the Town more money, she thinks it shows a lack of character. Ms. Field remarked that the Town of Wytheville has lost so much character in the past few years that there is very little sense of community left. She noted she thinks the vestiges of the community, and noted these are self supporting, and they are not propped up by Town revenue like the Recreation Department, etc., are the Wytheville Enterprise, WYVE, and the struggling businesses on Main Street. She indicated that these businesses are self supporting, and people can tell the difference when they come into this town, whether they live here or they are visiting, and they know a fake. Ms. Field remarked that the town cannot put up little gazebos at the town entrances and call the town a community. She advised this is a fake ornament. Ms. Field advised that the Town cannot play on the history of this place in order to get tourist dollars. She explained that the town has to live and it has to be a living community, and people know the difference. Ms. Field remarked that if a person walks down Main Street and he/she sees people hanging around outside the Millwald Theater and people going over to the restaurant, or the few people that still go to the hardware store, there is a sense of life in Wytheville. She noted she feels the Council should do what they can to keep this vital. Mayor Crewe thanked Ms. Field for her comments.

Mr. Richard Herring was recognized and stated this being America, this developer has a right to lose his money. He stated he looked at this situation very carefully, and he makes no secret of the fact that he and his wife have given the best years of their lives to the Millwald Theater, and, financially, they do not have anything to show for it, but they have made some wonderful friends. Mr. Herring advised that he and his wife have been gratified by being able to do things that the larger circuit or the owner away who has many properties to look after and bankers on his neck cannot do. He stated that for this, they are very grateful. Mr. Herring indicated that he and his wife are also very grateful for the fact that they have been part of the downtown, and just this summer, thanks to the cooperation of the Recreation Department, they have had the Kidventures Program. He pointed out that the children can walk from the Recreation Center or the Town pool over to the theater for their event. Mr. Herring indicated that children can walk over to the theater from Spiller School. He noted that the theater has had cooperation with the bus drivers relative to them letting children off at the theater. Mr. Herring stated if the Council is changing the ordinance because the ordinance needs changing, that is a proper move. He noted if the Council is changing the ordinance to accommodate someone or some particular business, then perhaps that needs other thought. Mr. Herring remarked that the Council can forget about what Jan and Richard Herring have done for the community. He noted that the Council can forget the financial aspects of whether they have contributed their fair share or not.

Mr. Herring advised that the Council can think about the quality of the community and what is going to happen if the proposed theater comes. He noted the Council will have to excuse him but he has a problem with severe tinnitus. Mr. Herring continued that his understanding is that the site is proposed to be behind Lowe's on approximately a five-acre tract and inquired if that is correct. Town Manager Sutherland answered that the theater is proposed to be constructed behind Lowe's, and noted he does not know the exact size of the tract, but advised it is probably of the five-acre magnitude. Mr. Herring stated this is the same tract that he looked at, and there was no access. He remarked he did not know if the developer has addressed the matter of how people are going to get in and out. Mr. Herring stated he has observed the traffic situation at this location, and the thing that occurred to him is if the road that presently serves the hospital is extended, this road is about the only way to get on that hill, then this will become the main thoroughfare for cars going in and out of the theater site. He explained that according to his calculations, as presented at the Planning Commission meeting on June 12, on a Saturday evening, within about a 45 minute period, there would be close to about 800 cars that would have to either go in or come out of that road. Mr. Herring remarked that the alternative would be, he supposes, for traffic to cut through the Hospital property or through the shopping center property. He noted that, again, in reading over the Zoning Ordinance he saw online, one of the items mentioned on this was going to the safety and the moral and ethical character of the town. Mr. Herring indicated that he wanted the Council to know he is going to do the best that he can. He noted he has closed many small town theaters in his career, and it is a very sad thing when they close and they are boarded up and fall into ruin. Mr. Herring stated he would hate to see this happen, but he wanted to thank the people of the community for the kindness they have shown them over the years. He noted they will continue as long as they can and as long as his health and the goodwill of the community allow them to do so. Mr. Herring advised that he hopes if the Council is changing the ordinance, it is the correct thing to do, but if the Council is changing the ordinance to accommodate a particular business, please rethink this. He noted that he first heard about this when one of the employees who is a senior at George Wythe walked in one night and stated he would be without a job since there is a new six screen theater going to be built out at the shopping mall. Mr. Herring stated he told his employee that they have hardly started grading, but his employee advised he was told in government class that they are going to start building a new theater. He advised he told his employee that it was news to him. Mr. Herring thanked the Council for listening to him and he apologized for taking up the Council's time. Mayor Crewe thanked Mr. Herring for attending the meeting and for his comments.

Mr. Richard Formato was recognized and stated he received a call this afternoon when he was in North Carolina on business. He noted he wanted to attend this meeting and give support to the Millwald Theater. Mr. Formato stated when the Wal-Mart and Lowe's venture was announced, he was rather public in the way that he foretold the gloom and doom that was going to happen. He noted that perhaps he was wrong on this issue because the Town certainly benefited from this power center coming to the town. Mr. Formato remarked that he and his wife go to the shopping center, and no one benefited personally more than when Lowe's expands, and this was the basis for his entire business. He stated that by the same token, he is a resident of Wytheville, and Wytheville is very dear to his heart and so is southwestern Virginia. Mr. Formato indicated that he is scared as to what will happen. He remarked he is afraid for Mr. Herring as a small businessman. Mr. Formato indicated that everyone sitting at the Council table is basically a small businessman, and they are all in the same situation. He noted he thinks if the Council listens to Mr. Herring talk and hears the tenor in his voice, he is scared because his business is probably going to be really severely impacted. Mr. Formato pointed out that Main Street is a changing place. He noted that the word is that Mr. Hubby Hudson is going to close down. Mr. Formato remarked that he thinks Hobert N. Grubb is in bad financial shape. He noted this is the way of the times, and someone comes with a new "mouse trap," and that is the American system that everyone has. Mr. Formato explained that when it comes to a theater, a theater is more than just six screens and the latest in digital sound. He noted that particularly in small towns, the theater is the place where people gather. Mr. Formato explained that he took his daughter to the snow day matinees that Mr. Herring had for the children. He noted that when he went into the theater, it was full, and it was a \$1.00 admission. Mr. Formato advised that they had popcorn specials. He noted he went and saw "Ice Age" and a couple of other movies. He noted that he was thinking to himself that the Binky children and the Saliba children were there, and a lot of other children that others know and play with. Mr. Formato indicated that the theater was full. He pointed out that the six screen metroplex is not going to provide this kind of value for the Town of Wytheville. Mr. Formato advised that possibly the solution is to help Mr. Herring with some money to improve his product to compete in the marketplace. He noted it was a public thing that went on with the Granden Theater, and people are not wanting these old time theaters to close. Mr. Formato indicated that he thinks the Town should look at Mr. Herring and realize that he is giving back to the community maybe more than everyone has given him, and possibly they should look at a way to help Mr. Herring maintain his business, and noted he is fully expecting that there will be a six screen theater in Wytheville. He remarked that the Town cannot tell new businesses that they cannot develop in the town, but, possibly, the answer is to figure out a way to help Mr. Herring so the town can have the theater on the outskirts of town for

the people who want to come in and off of the interstate, but for the Wythevillians that really appreciate the Millwald Theater and what it has to offer, possibly there is a happy medium where everyone can make this work out and strike some sort of balance and compromise so that 10 years from now the Millwald Theater is not boarded up and the glasses broken, and everyone is talking about when the town had a nice theater in the downtown. Mr. Formato thanked the Council for permitting him to address them. Mayor Crewe thanked Mr. Formato for attending the meeting and for his comments.

Mr. Bill Gilmer, Sr. was recognized and stated he appreciates the opportunity to address the Council. He remarked there is not much he can add to what Ms. Field and Mr. Formato have already stated. Mr. Gilmer noted the town has a gem in the theater in downtown Wytheville, and Wytheville is one of the few towns around that has maintained some semblance of character without doing a lot on the governmental side to protect it. He remarked that there are other things that could have been done that he wished had been done. Mr. Gilmer explained that he wished the Town Council and the merchants on Main Street had gotten more behind the Main Street Program when it was trying to enhance and preserve that which is worth preserving in downtown Wytheville. He noted that in addition to what it provides in the way of a community focus, the Millwald Theater is also an architectural gem. Mr. Gilmer stated the theater is a building worthy of considerable efforts for preservation. He remarked that how one goes about doing this is another matter, and it is hard for him to see how the theater can compete since it is currently only marginally profitable, if at all, with a multiplex theater, without considerable help from the Town or from other sources, and he stated this is one approach he thinks the Town should seriously consider. He advised that for the Millwald Theater, it is hard for him to imagine it being anything much other than a theater. Mr. Gilmer pointed out that the theater was constructed as a theater, and it is hard to imagine how it could be converted into something else. He noted they had a very interesting talk by a member of the Roanoke Office of the Department of Historical Resources this past Thursday, and the Department of Historical Resources strives to work with communities to preserve these assets, not only helping them to find alternative uses in some cases but helping them to know how to go about doing renovations and repairs and still maintain a historic character. Mr. Gilmer stated that in other ways, he thinks the Department of Historic Resources can be of great help to the town in this matter. Mr. Gilmer advised that he urges for the sake of maintaining not only a community focus, but also a jewel of a historic architectural asset, that the Council give very careful attention to what can be done. He noted that another aspect of this matter is something that he thinks perhaps has not been given enough thought through the Planning Commission as to what the impact is on the supportive transportation routes infrastructure by bringing in this large of an enterprise as a multiplex theater. Mr. Gilmer remarked that he has heard numbers of a 1,200 seat capacity or something of this order. He noted that there could possibly be 600 vehicles bringing in the persons who would fill these seats. Mr. Gilmer stated that five acres of land has been mentioned as the amount of real estate involved. He indicated that he hates to see five more acres under asphalt. Mr. Gilmer advised that he is concerned about the runoff problems. He noted there has been some bad flooding, as he thinks most of the Council is aware, down the Town creek as it goes toward Industry Road. Mr. Gilmer inquired as to how much of this is viewed as additional runoff from the mall complex. He noted he did not know, and he is unsure if the Council members know. Mr. Gilmer stated that perhaps the Council should find this out. He remarked that there is a detention basin, and noted he supposes the Town knows the volume of it. Mr. Gilmer indicated that the Council knows the acreage that is under roof and asphalt. He noted the Town can do calculations of a one-inch of rain over a one hour or two hour period, or two inches of rain over a one hour or two hour period, etc., and noted that there have been some heavy rains, and the Town could find out what this will do to add additional volumes to that stream flow. Mr. Gilmer stated he knows that yards and roads have been under water in that area. He noted these are things that he thinks need to be studied ahead of time. Mr. Gilmer advised that in this respect, perhaps the Town is "jumping the gun" a bit in considering this request for a change in the Zoning Ordinance. He noted that the traffic question is another matter. Mr. Gilmer pointed out that as everyone knows, Fourth Street is not as easy to get onto or get off of as it was. He noted that this new theater will, certainly, bring in considerable additional traffic. Mr. Gilmer stated that making left turns off of Fourth Street is difficult at times. He indicated that getting onto Fourth Street from side streets is difficult. Mr. Gilmer remarked that it seems to him that traffic studies need to be made to determine what the impact will be on Fourth Street and other supporting roads. He noted his petition is that the Council proceed slowly on this and that they think ahead as to what the impact of this theater is, if and when, it comes, and then if the theater does come, the Town will be properly prepared for it. He noted if the theater is developed, then the Town will have some sort of support plan for the continued operation of the Millwald Theater or some alternate plan for how this structure can be maintained and not boarded up and become another eye sore. Mayor Crewe thanked Mr. Gilmer for attending the meeting and for his comments.

Mayor Crewe noted if he is looking and understanding what has been indicated on the sign up sheets, he thinks he has called on everyone who has signed up to speak on this issue, except Ms. Easter who has indicated that she changed her mind and would like to speak.

Ms. Carol Easter stated she has lived in Wytheville off and on for 30 years, and this is the third time she has lived in Wytheville. She noted she would not live anywhere else, and part of the attraction for being in Wytheville is the Millwald Theater. Ms. Easter pointed out that she is not a theater person, and noted she likes live theater, and before they moved back to Wytheville this last time, she hardly ever went to a movie, but she has been going to movies now. Ms. Easter indicated that she does not like the new complexes, and she thinks Wytheville would be a much sadder, poorer town without the Millwald Theater. She remarked that she hopes the Millwald Theater is able to stay, and noted she did not know what the Council can do or what everyone else can do, but she thinks it needs to be given a lot of thought. Mayor Crewe thanked Ms. Easter for her comments and for attending the meeting.

Mayor Crewe inquired if there are others who wish to address the Council during the public hearing regarding the request for the change in the ordinance from one parking space for every three seats to one parking space for every three and one-half seats. Mayor Crewe noted that a couple of comments that occurred to him that may help focus this a little, and he noted that the Council will be considering this later in the meeting for the actual vote on the matter, but possibly it would help to focus that the Council is not voting for or against the Millwald Theater or for or against the megaplex movie theater. He explained that the issue was brought to the Town's attention by a consultant who had been hired by the developers who had reviewed the Town's ordinance and noted that most localities are only requiring one space for every three and one-half seats versus every three seats, and they have reviewed the industry standards. He noted this has evolved, and the Town's ordinance has not been changed in a number of years. Mayor Crewe stated he thinks that everyone on Council would laud the comments of Mr. and Mrs. Herring and what they have done for the community and the Council hopes they continue that. He noted as the Council is aware, the Town has been working to do something on the Saturday two-hour parking, and they have been able to work out midnight parking when Mr. Herring had shows at those hours, etc., and the Town has tried to do things to try to accommodate Mr. Herring's needs as a business. Mayor Crewe reiterated that the Council is not voting on whether to allow a multiplex cinema to come to town or not, but what the Council is voting on later in the meeting is to change the Town's Zoning Ordinance to raise the number of seats per parking space from three to three and one-half. He advised that the comments about the traffic are all cogent comments, but it is not what the Council is considering at this meeting. Mayor Crewe stated that all of those things have to be done on the site development, and they will have to be reviewed and examined. Mayor Crewe remarked that the architectural structure of the Millwald Theater building, etc. is something the Town would like to preserve, and this is the reason the Town has the historical district and some of the requirements that the Town has. He noted these things are also not before the Council at this meeting, but it is on the parking ordinance to change it to one parking space for every 3.5 seats. Mayor Crewe advised that the Council appreciates everyone's comments and interests, and he hopes those attending the meeting will stay to see how the Council votes. He requested everyone to remember that the Council is voting on changing the number of seats per parking space from three to three and one-half. He explained that this ordinance revision will mean less asphalt and less paving. Mayor Crewe remarked that when the runoff is being discussed, the engineering study shows the amount of runoff after the construction from Wal-Mart is less than what it was before the construction because of the holding ponds that are working as they are designed. He noted that the town has received some torrential rains, but the amount of runoff is actually controlled by those overflow or surface flow structures just as they were designed to do. Mayor Crewe stated that runoff is an important consideration, and this is something the Town is reviewing. He noted that raising the ordinance to state one parking space for every 3.5 seats would mean less pavement as opposed to keeping it to three seats per parking space. He requested those attending the meeting to keep these thoughts in their mind as the Council moves through the agenda. Mayor Crewe advised that this ordinance will be considered on the Council's agenda later in the meeting. Vice-Mayor King noted that the Town has done away with the enforcement of the two-hour parking on Saturday, other than the handicap parking. Town Manager Sutherland noted that the Town will be doing a test on not enforcing the two-hour parking on Saturday. Mayor Crewe advised that the Town will not be enforcing the two-hour parking on Saturday for awhile to see how it works, and possibly this will help Mr. Herring with his Saturday matinees. Mayor Crewe reiterated that the Town is going to stop enforcing the two-hour parking on Saturdays to see how this works out. He inquired if any member of Council has any comments before he closes the public hearing. There being none, he declared the public hearing closed. Mayor Crewe reminded everyone that the Council will consider this matter later in the meeting.

#### **RE: PUBLIC HEARING – BAIRD REZONING**

Mayor Crewe stated the meeting also constituted a public hearing (due notice having been given) to consider the request of 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 inquired if there are

persons present who wish to address Council during this public hearing. Mayor Crewe noted he did not think there was anyone who had marked that they would like to speak regarding this request. He stated if there is someone who would like to address the Council regarding this request, the Council would be glad to hear from them.

Ms. Vicky Petty was recognized and stated her house is across the street from this property. She stated that probably it would be best if she knew what the conditions were that were being considered. Mayor Crewe advised that the recommendation from the Planning Commission is that there are five stipulations, and these may address Ms. Petty's question. He noted the recommendation from the Planning Commission, pursuant to their public hearing, etc., is that the request of the rezoning be approved, but when the property is rezoned to B-1 Business, the conditions state that the following items could not be used and would be excluded from the uses: (1) mobile homes with special exception permits; (2) auto and home appliance stores; (3) retail and wholesale lumber and building supplies with storage under cover, and it defines a cover as a three sided structure, etc.; (4) retail and wholesale plumbing and electrical supplies with storage under cover, and it defines the cover to be a roof with at least three sides; (5) automobile display and sales with no repair and maintenance services. Mayor Crewe reiterated that these items would be excluded from the uses that would be allowed. He noted that these things would be allowed in a B-1 Business zone, but could not be done on this property. Ms. Petty noted that personally, and noted that, obviously, she is the only one who has an opinion on this from their community, she does not want to see a business on this property. She advised that she does not particularly like seeing the tenants who are on the property, but this is something she would have to address to the Bairds. Ms. Petty advised that it is a residential area, and it has been a residential area since she was a child, and she hates to see the zoning changed. She noted that IGA is located right beside of her, but it has been there for many years, and there were businesses on that side of the street when she was a child. Ms. Petty noted it is the same with the farms, and she hates to see all of the farmland gone, and she hates to see all of the residential areas taken over by business. She stated this is her opinion, and noted that she appreciates the Council listening to her. Mayor Crewe thanked Ms. Petty for attending the meeting and for her comments.

Mayor Crewe inquired if there are others who wish to address the Council regarding this request. There being none, he inquired if anyone on Council has any comments during the public hearing. There being none, Mayor Crewe declared the public hearing closed. He noted that the Council will also be considering this matter later in the meeting.

#### **RE: PUBLIC HEARING – RABEC SERVICES SPECIAL EXCEPTION PERMIT REQUEST**

Mayor Crewe stated the meeting, likewise, constituted a public hearing (due notice having been given) to consider 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). Mayor Crewe inquired if there are persons present who wish to address Council during the public hearing. There being none, he inquired if any member of Council has any questions or comments during this public hearing. There being none, Mayor Crewe declared the public hearing closed. Mayor Crewe noted that, again, the Council will be considering this request later in the meeting and invited any interested persons to remain to hear how the Council votes.

#### **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. Richard Herring inquired if the Council is aware that there is a lot of static coming over the speaker system. Mayor Crewe noted he could hear a noise, but he was unsure what it was. He noted that Town staff will continue to work on the system, and they have been working on it to repair any problems. Mayor Crewe noted that, obviously, the Town staff has not yet been able to completely repair the system. He inquired if there are others who would like to address the 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. This past year, under a motion by the General Assembly, they requested the Department of Taxation to establish a tax amnesty program. The Town received information this past week from the Department of Taxation noting that Virginia would have a tax amnesty program this fall commencing September 2 and ending November 3 wherein delinquent taxpayers who have outstanding State taxes will have an opportunity to pay those taxes and have a significant reduction in penalties and interest. The Town

will be sending out information in the Town newsletter and through other forums to advise people of this opportunity to pay their delinquent taxes. The Department of Taxation anticipates that they will collect \$48.5 million in delinquent taxes as a result of this program.

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

Vice-Mayor King, reporting for the Budget and Finance Committee, stated that the Joint Industrial Development Authority (JIDA) is in the process of preparing an application to designate Progress Park as a State Enterprise Zone. She explained that 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. Vice-Mayor King noted that Progress Park currently has such a designation, but this designation will expire in the next year. She indicated that 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. Vice-Mayor King noted that 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. She advised that the Committee has a general knowledge of the workings of these Enterprise Zones, but thinks it would be helpful if a representative from the JIDA would attend a Council meeting and give them a thorough overview in order that the Council might be able to make an informed decision. Vice-Mayor King stated that if the Council agrees, the Committee will ask the JIDA to make such a presentation to the Council at the next meeting. Mayor Crewe noted that when the Budget and Finance Committee talked about it at their meeting, they thought this was a good idea. He noted that unless he hears something different, he will take it that the Council agrees to ask the JIDA to make a presentation at the next Council meeting. It was the consensus of the Council to ask the JIDA to make a presentation regarding the Enterprise Zone at the next Council meeting.

Vice-Mayor King also reported that the Town continues in its efforts to commence the construction of the new Community Center. She advised that several months ago, the Council reported that they had determined it was in the Town's best interest to proceed with performing the excavation on the site while the architects finished the drawings on the building. Vice-Mayor King stated that the Town has now received approval from Rural Development to proceed in this fashion, and have advertised bid for this work. She noted that bids will be received on September 4, and, assuming that the Town receives acceptable quotations, work could commence very shortly thereafter. Vice-Mayor King remarked that hopefully, by or about the time that the excavation is being completed, the actual building project can be advertised for bid. She advised that the Committee thinks it would be appropriate to have a groundbreaking ceremony after receipt of the award of the bids for the site excavation. Vice-Mayor King stated that the Council will be discussing this in Committee meetings over the next several weeks. Mayor Crewe noted that the Council looks forward to receiving more information as this project moves forward. Vice-Mayor King stated the progress on this project is becoming exciting. Mayor Crewe noted that is correct. 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 as the Council will recall, at the 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. He advised that as a result of their inquiry, the Town has reviewed plats and other deed information that may be pertinent to the Council's consideration. Councilman Weisiger noted that there are basically two sections of right of way that the Housing Authority was asking the Council to consider. He explained that 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. Councilman Weisiger stated that in the Town staff's review, they found that the ownership of the thirty-foot right of way is most likely vested with the Longview Apartment complex. He remarked that the Town has 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. Councilman Weisiger advised that the triangular portion of land along Cassell Road that abuts the Housing Authority property has both a water and sewer line in it. He commented that if the Council chose to abandon these portions of existing rights of way, it would necessarily require that the Town maintain utility easements in this location. Councilman Weisiger noted that 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. He advised that the Committee is going to continue to review this matter, and once they have received additional information from the Housing Authority's attorney, they will make a recommendation to the Council.

Councilman Weisiger also reported that the Town has started the process of soliciting applications for persons desiring to hunt on Town-owned land on Sand Mountain. He noted the process that the Town is using this year is the same as in past years where the Town will accept applications and then randomly select forty persons who will receive a permit to hunt on the land. Councilman Weisiger stated that 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. He pointed out that by and large, though, most of the interest in obtaining a hunting permit is for deer hunting. Councilman Weisiger stated that the Town has 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. He noted it has been suggested, and the Committee agrees, 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. Councilman Weisiger noted that these standards seemingly assure that the deer is of a more mature age. He explained that the purpose in harvesting only mature deer is that it gives younger buck deer the opportunity to grow to a larger size. Councilman Weisiger stated it is the Committee's suggestion, unless the Council disagrees, that the Council impose this size standard in the regulations for all permit holders this year. Mayor Crewe noted his understanding is that when the Budget and Finance Committee discussed this issue, they did not have any problems with imposing this size standard. It was noted that is correct. Mayor Crewe stated he would be remiss if he did not state for the record that as the Council was going through and reviewing this information that was available, the Council did consult with "Honey Bear" Blankenship who passed away this week and who will be sorely missed. He noted that Mr. Blankenship was involved in this matter. It was the consensus of the Council to impose the size standard 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. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

#### **RE: APPOINTMENT – BOARD OF ARCHITECTURAL REVIEW**

Mayor Crewe stated the next agenda item is to consider the appointment of a member to the Board of Architectural Review to fill the expired term of Ms. Jody Gibson. He advised that Ms. Gibson has continued to serve on the Board until a replacement could be found. Mayor Crewe noted that this position on the Board has to be filled by a licensed architect. He stated the Town has received an application from Mr. Keith Storms who is a licensed architect, who lives within the Town limits, who meets the requirements, and who is willing to serve on the Board. A motion was made by Councilman Crockett and seconded by Vice-Mayor King to appoint Mr. Keith Storms to the Board of Architectural Review. 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: APPOINTMENTS – WYTHEVILLE REDEVELOPMENT AND HOUSING AUTHORITY**

Mayor Crewe stated the next agenda item is the notification of the appointment of members to the Wytheville Redevelopment and Housing Authority to fill the expiring terms of Ms. Martha Riggle, Ms. Ann Gambill, and Mr. Elton Robinson whose terms expire September 8, 2003. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to reappoint Ms. Martha Riggle, Ms. Ann Gambill, and Mr. Elton Robinson to the Wytheville Redevelopment and Housing Authority. Mayor Crewe inquired if there is any discussion on this motion. Councilman Crockett stated he goes to the Housing Authority meetings to represent the Town, and all three of these members do a very commendable job, and he would, certainly, approve of having these individuals serve again. Mayor Crewe 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: ORDINANCE NO. 1160 – MOVIE THEATER PARKING**

Mayor Crewe presented Ordinance No. 1160, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to amend Article XVI – General Provisions, Subsection 16-6.3 of the Town of Wytheville Zoning Ordinance, on first reading. He noted this ordinance would change the relevant sections of the Zoning Ordinance to change the parking spaces required for a movie theater from one parking space for every three seats to one space for every three and one-half seats. Mayor Crewe inquired if there is a motion that the ordinance be adopted so the Council can have it on the floor for discussion either for first and final reading or however the Council would like to consider the ordinance. There being no motion, Mayor Crewe noted that the ordinance is not on the floor for consideration, and, therefore, he will proceed with the agenda and no action will be taken on the ordinance. He noted that no action

was taken on the ordinance. Mayor Crewe thanked everyone for attending the meeting to speak regarding this matter.

**RE: ORDINANCE NO. 1161 - BAIRD REZONING**

Mayor Crewe presented Ordinance No. 1161, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone from R-2 Residential to B-1 Business with Conditions property located on the east side of Fourth Street between Spiller and Pine Streets, on first reading. He noted these conditions would include the five conditions he stated earlier, and this comes to the Council by way of a recommendation from the Planning Commission. A motion was made by Councilman Crockett and seconded by Councilman Jones to suspend the rules and adopt Ordinance No. 1161, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone from R-2 Residential to B-1 Business with Conditions property located on the east side of Fourth Street between Spiller and Pine Streets, on first and final reading. Mayor Crewe noted the motion is to adopt the ordinance on first and final reading and to suspend the rules, and the ordinance would not go through three readings but it would be effective upon the vote of Council. He inquired if there is any discussion on Ordinance No. 1161. 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. 1161 was adopted on first and final reading. Mayor Crewe advised that the ordinance will become effective immediately, and the rezoning will take place with these stipulations.

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

Mayor Crewe stated the next agenda item is the issuance of a special exception permit to Rabec Services, Inc. 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). A motion was made by Councilman Weisiger and seconded by Vice-Mayor King to approve the request of Rabec Services, Incorporated for the issuance of 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) as presented by the Planning Commission. Mayor Crewe inquired if Councilman Weisiger's motion and Vice-Mayor King's second is to approve it as recommended by the Planning Commission. Councilman Weisiger and Vice-Mayor King noted that is correct. Mayor Crewe stated there are nine conditions, and the motion is to grant it with the nine specifications which include: (1) the specific types of professionals permitted would include Attorneys, Architects, Consulting Professional Engineers, Insurance Brokers, Investment Brokers, Accountants, etc.; (2) any alterations to the building, or any new building, shall be subject to review by the Board of Architectural Review; (3) signs shall be restricted to one sign less than 16 square feet; (4) the normal hours of operation shall be restricted to 6:00 a.m. to 10:00 p.m.; (5) convenient and screened off-street parking shall be provided; (6) if new construction is proposed, the configurations of the setbacks shall be similar to those required in the R-2 Residential District; (7) upon the sale of the property, this special exception permit shall be transferred with the property and shall, therefore, be granted to the successors of the property and shall follow the chain of title; (8) the 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); (9) failure to comply with these conditions is grounds for rescinding this special exception permit. Mayor Crewe noted that the Council has heard all of the conditions and the motion, and inquired if there is any further discussion on the motion. Councilman Crockett stated he is a little curious as to why they did not ask for a rezoning as opposed to a special exception permit. He advised he talked to Assistant Town Manager Moore before the Council meeting, and noted he believes that Mr. Moore commented that there was an indication from the Commission that this would be spot zoning. Councilman Crockett stated, however, that whatever is done on this property that is done with a special exception, as long as all of the conditions are met, the special exception permit will continue forever. He inquired if someone would like to comment on why it was not rezoned. Mayor Crewe noted he thinks Councilman Crockett has answered his own question because the feeling would be that this type of rezoning would, in fact, be spot zoning and illegal since it would not be adjoining an adjacent similar zone. Town Manager Sutherland explained that the difference, too, would be that this special exception permit restricts this property to this use. He noted if this property was

rezoned, anything that is permitted in that zoning district would be permitted. Councilman Jones stated that is correct unless the Town restricted certain uses. He remarked that he disagrees, and voted nay when the Planning Commission voted on the matter. Councilman Jones explained that his feelings were like Councilman Crockett's. He indicated that he thought the property should have been rezoned, and he did not consider it spot zoning because the same zone is across the street. Councilman Jones noted that to him, spot zoning is when a parcel of property is surrounded by a different zone, and there is no adjoining property that is zoned like the zone being requested. He stated that he knows some people state that a street separates it, and, therefore, constitutes spot zoning, but advised he does not see it like this. Councilman Jones indicated that he thinks it would probably be good for this development, but he prefers to see a rezoning versus a special exception permit because, obviously, once the Council approves the special exception permit, and, for example, if Mr. Cox tears down the building and constructs a nice new building, he does not see anyone wanting to suddenly take it away after all of this money has been invested. He pointed out that the future zoning map shows this area going to B-2 Business or whatever business zone it is. Councilman Jones stated this is the reasoning for his view on the request. Mayor Crewe noted that he would defer to Town Attorney Kaase, but he thinks the legal background behind it is that courts do recognize a street as a buffer between one side of the street being one zone and the other side of the street being zoned something differently.

Mr. Randy Cox was recognized and noted that his only comment on this is that for the spot zoning issue, everyone has a different opinion on it. He remarked that because of the uncertainty even among members of the community in Wytheville, he thought the special exception permit was the way to go. Mr. Cox pointed out that he would be glad to come back later and get that property zoned B-2 Business, and noted this would be wonderful. He noted with the narrow restrictions of why he wanted to use the property or for the purposes for which he wanted to use the property, he thought the special exception permit would work well for those restrictions for an office building. Mr. Cox stated that his intent was not to use the property for anything else, so he thought the special exception permit would work for this, but because of the difference of opinion that he received on the spot zoning, he did not feel as though this approach would be successful. Mr. Cox advised that if the Council would be willing to give him the special exception permit, he does not mind going back and requesting the B-2 Business zone at a later date. He stated he is afraid if this gets disapproved as a special exception permit, there will be the question of what does or does not constitute spot zoning. Mr. Cox noted that this was part of the reason he requested a special exception permit. Mayor Crewe inquired if the nine conditions that are listed are acceptable to Mr. Cox. Mr. Cox stated that the nine conditions are acceptable. Mayor Crewe thanked Mr. Cox for his comments.

Mayor Crewe inquired if there are any further comments or questions regarding this matter. There being none, the motion was approved with the following voting results: For: Jacqueline K. King, William B. Weisiger, Charles G. Crockett. Against: John W. Jones, Jr. Abstentions: Trenton G. Crewe, Jr. Mayor Crewe advised that he is abstaining because he has performed legal services for Mr. Cox over the years, although not in this particular regard, but he should avoid a potential conflict by abstaining.

#### **RE: MOVIE THEATER PARKING**

Councilman Crockett stated he would like to make a couple of comments regarding the first public hearing. He advised he knows several people commented dealing with whether the Town should provide any help to a local business. Councilman Crockett indicated that he thinks the Town can exercise certain cooperative means, but he is unsure how any financial consideration comes into play. He remarked he thinks it is important that the Council considers the businesses along Main Street. Councilman Crockett pointed out that he thinks eliminating the two-hour parking enforcement on weekends would be beneficial. He stated the other comment is that if he understands this request, the Council's action or lack of action at this meeting either way does not keep this business or theater from coming into the town in the least and inquired if that is correct. Mayor Crewe stated that is correct and explained that the Council's lack of action will not impact the business or keep it from locating in the town. Town Manager Sutherland stated he was going to ask that question, and advised that he would assume that no action means this matter is dead. He inquired of Town Attorney Kaase if that is correct. Town Attorney Kaase advised that there would not be a change in the Zoning Ordinance. Mayor Crewe stated that the Town would still require one parking space for every three seats rather than one parking space for every 3.5 seats. Councilman Crockett noted if he understood Mayor Crewe's comments earlier, this, essentially, would mean that the theater could increase their parking area slightly and still meet the one parking space for every three seats as well. He advised that what he is really stating is the Council's lack of action does not necessarily keep the theater from coming to town according to the current zoning of that area. Town Manager Sutherland stated that is correct and this means the theater will have a bigger parking lot that the theater does not think they are going to use. Vice-Mayor King advised Mr. Herring that she will still come to see movies at his theater and eat popcorn.

Mr. Herring advised that he would like to mention something upcoming to the Council. He stated he hopes that at the proper time all of the members of Council will be able to be present for an event that is going to take place later in the year. Mr. Herring remarked that he prefaces this by stating he wants to express his great gratitude to the wisdom of this Council and Town government in having such a stellar person as Rosa Jude looking after the tourism interests of this town. He noted that Ms. Jude has done an absolute outstanding job in helping them to have more people aware of the real gem that the Millwald Theater is. Mr. Herring remarked that to let the Council know how the word is getting out in the space of two days, they had a group of seven from Amsterdam, they had people from Alabama, they have been on the website of a gentleman named Rockcrawler.com who mentions in an article on a jeep that he bought how much he enjoys Wytheville and the Millwald Theater, and he even has the theater's web link on the site. Mr. Herring advised that he found this out through Rosa Jude. He stated that as near as they can tell, at the end of this month, the Millwald Theater will have been in continuous operation for 75 years, making it one of the few theaters in the United States that was built as a theater and has never closed and is still in operation. Mr. Herring advised that whether the Millwald Theater should remain in operation for another 75 years, no one at the meeting will be alive at that point to know or probably much care, but they hope that Ms. Jude and the rest of the community can get together on this celebration, and they can get the plans finalized. He noted they hope to have a big launch night when they have the cake and all of the high officials and everyone else present to celebrate a milestone. Mr. Herring stated that he cannot express to the Council what tourists state about the theater. He noted that they come and really do not care what they see once they get there. Mr. Herring advised that they just want to look around, and the theater has pictures of the way it was before they multi-screened, and the tourists look at the architecture. He noted he has stated to other towns that he has been to on consulting jobs that they do not realize what a nice town Wytheville is. Mr. Herring stated that probably the greatest failure of this community is that its citizens do not realize the assets and how nice the town is. He noted it has been a labor of love, and he and his wife have made friends and kept the Millwald Theater. Mr. Herring advised that he looks forward to seeing the Council at the Millwald Theater. Mayor Crewe indicated that he knew some of these efforts were underway, and he would ask Town staff to relay these comments to Ms. Jude. He stated he knew that the Town was working and trying to help, and it is a momentous occasion that the Council should not miss. Mayor Crewe thanked Mr. Herring for his comments.

**RE: TRENTON CROCKETT**

Mayor Crewe stated that it would be in order if the Council passed along its congratulations and the pride that Trenton Crockett has brought to the Town of Wytheville in his success in the Commonwealth Games again. He noted if he understands correctly, Mr. Crockett brought home two gold medals this time, and the Council should pass along its appreciation and congratulations on this achievement.

**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 (8:00 p.m.).

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Trenton G. Crewe, Jr., Mayor

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Sharon P. Hackler, CMC, Clerk of Council

## **PUBLIC WORKS COMMITTEE REPORT**

**AUGUST 25, 2003**

1. The Regional Water Committee met on Thursday afternoon to continue the discussions on the creation of an authority to be formed among Carroll County, Wythe County, and the Town of Wytheville. As we have discussed on many occasions, this authority would connect all three water systems and provide for all of the participants assurance of an adequate water supply in the future. In the short term, the Town's system would be connected with the County's system and would allow the County to purchase water from the Town. Ultimately, a new water treatment facility would be located on the New River near Austinville that would then have the capability of providing all three participants with additional water supplies. In order for this concept to move forward, it is necessary that an authority be created. Because this new authority will be seeking certain grant and loan funds in the future, it is important that we have it created, as soon as possible, such that this new legal entity could start making such applications. I have attached, for your review, a draft of a resolution that creates the authority, and also have included, for your review, the articles of incorporation of this new authority. It would be the recommendation of our Committee that the Council proceed with publishing the required legal notices and setting a public hearing on this matter for October 13, 2003.

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William B. Weisiger

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Charles G. Crockett

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## **BUDGET AND FINANCE COMMITTEE REPORT**

**AUGUST 25, 2003**

1. At the last meeting of Council, we noted that we were going to invite the executive director of the Joint Industrial Development Authority (JIDA), Alan Hawthorne, to attend this meeting of Council and provide an overview of the state's Enterprise Zone program. Because of time constraints associated with the submission of an application, both Committees have been given the information at the Committee meetings. An Enterprise Zone is a specially designated area intended to stimulate overall economic growth by providing tax incentives and financial incentives to businesses and industries operating within the district. The designation as an Enterprise Zone is made by the governor and lasts for a period of twenty years. Wythe and Carroll Counties jointly applied for and received an Enterprise Zone designation for the Ivanhoe Industrial Park in 1984, and in the year 2000, the Enterprise Zone was amended to include Progress Park. The Enterprise Zone designation for both of these areas expires this year. Therefore, it is necessary to make application to have a new Enterprise Zone designated. The reason businesses and industries are interested in locating in an Enterprise Zone is that the state provides certain income tax credits, certain credits on real estate improvements, and the business or industry can get cash grants for the creation of jobs. At the local level, certain incentives are also provided to businesses and industries locating within the zone.

In this year's reapplication process, it has been determined that the good approach would be a four-way application among Wythe, Bland, and Carroll Counties and the

Town of Wytheville. Under this scenario, Progress Park would be the primary zone and the zone would extend into corporate limits. There are certain rules on the number of acres that can be declared an Enterprise Zone and, in the Town's case, would range from an area as small as 171 acres to as large as 885 acres.

The application for an Enterprise Zone must be submitted to the Virginia Department of Housing and Community Development no later than October 1. The application is rather lengthy and requires large amounts of demographic, financial and other data. The process also requires that the governing body conduct a public hearing to receive comments on the creation of the proposed district. Both Committees agree that it is worthwhile for the Town to seek an Enterprise Zone within the corporate limits, and, as such, we would recommend that the appropriate legal advertising be conducted and that a public hearing on this issue be held on September 22, 2003. There are certain decisions that will need to be reached within the next few weeks that involve determining the size of the zone within the corporate limits and the local incentives that the Town will offer to qualifying businesses and industries.

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Jacqueline K. King

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John W. Jones, Jr.