

AGENDA
Wytheville Town Council
Monday, October 25, 2004
7:00 P.M.
Wytheville Municipal Building
150 East Monroe Street
Wytheville, Virginia 24382

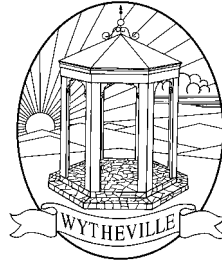
- A. **CALL TO ORDER**—MAYOR TRENTON G. CREWE, JR.
- B. **ESTABLISHMENT OF QUORUM**— MAYOR TRENTON G. CREWE, JR.
- C. **INVOCATION**—COUNCILMAN JUDSON LAMBERT
- D. **PLEDGE OF ALLEGIANCE**—COUNCILMAN WILLIAM B. WEISIGER
- E. **CONSENT AGENDA**
 - 1. Minutes of the regular meeting of October 11, 2004
 - 2. Request of the Virginia Cooperative Extension for waiver of fee for use of the Community Center Bingo Room for an awards banquet on December 7, 2004
- F. **CITIZENS' PERIOD**
- G. **OLD BUSINESS**—TOWN MANAGER C. WAYNE SUTHERLAND, JR.
- H. **COMMITTEE REPORTS**
 - 1. Budget and Finance
 - a. Charges for water usage and connections
 - b. Update on Community Center Project
 - 2. Public Works
 - a. Widening work on East Main Street complete
 - b. Requests for revisions to traffic control and parking limitations at several locations

I. **OTHER BUSINESS**

1. Recommendation of the Planning Commission regarding the request of Mr. Ernest Wilson, representing Charles and Karen Parcell, for a special exception permit for an accessory structure on a lot without a primary residence at 450 Tremough Drive which is located on the south side of Tremough Drive between North Fourth Street and the end of Tremough Drive in an R-2 Residential District

J. **ADJOURNMENT**

[Back](#)



Meeting Date:	Monday, October 25, 2004
Item Name:	Consent Agenda
Item Number:	E-2
Subject:	Waiver of Fee—Virginia Cooperative Extension

SUMMARY:

Enclosed is a request of the Virginia Cooperative Extension for waiver of fee for use of the Community Center Bingo Room for an awards banquet on December 7, 2004. The Cooperative Extension conforms to the criteria for waiver of fee and Director of Recreation Showalter has also approved the request.

[Back](#)



Town of Wytheville
Department of Parks and Recreation

Request for Waiver of Fees

Name of Organization: VA Cooperative Extension Non-Profit / Profit

Date of Activity: Dec. 7, 2004 Tax-exempt No: _____

Purpose of Activity: Awards Banquet

<u>Request of Area</u>	<u>Hours</u>	<u>Use Fee</u>	<u>Additional Information</u>
Gym			
Bingo Room	<u>6-9</u>	<u>26.50 rent</u>	<u>80 dep.</u>
Room			
Withers Park			
Elizabeth Park			

Number of Persons in Attendance: 80

Requirements

- The activity provides a direct recreational, educational or entertainment value to the participants.
 Alcoholic beverages will not be sold, served, or consumed.
 The activity was scheduled through the Department of Recreation at least one month in advance of the date of the event.
 Group requesting waiver of fees is a public agency, or group incorporated by the Commonwealth of Virginia as non-profit organization.
 Proceeds raised will be donated to: NA
(The generation of funds for a charitable or worthy cause shall not, of itself, be deemed as a reason for waiver of Center or Park use fees).

Organization Representative: Andy Overbay

Address: ~~13279 Friendship Rd~~ 275 S. 4th St., Suite 201

City/State: Wytheville VA Zip Code: 24382

Day Phone: 276.223.6040 Night Phone: 276.223.2542

Signature: Andy Overbay Date: Sept. 28, 2004

Approval

Director of Recreation: [Signature] Date: 10/4/04

Comments: _____

Approved By: _____ Date: _____

Comments: _____

Alcohol: _____ Deposit Pd: _____ Fees Pd: _____

Town of Wytheville
Parks & Recreation Department

250 S Fourth St
Wytheville, VA 24382
Phone: 276-223-3378
Fax: 276-223-3364

Facility Use Agreement

Representative Name: Andy Overbay
Organization Name: VA Coop Extension / w/ the Band Dtl
Address: 275 South 4th Suite 201
City: Wytheville State: VA ZIP: 24382
Day Phone: 276 223-6040 Night Phone: 223-2542
Fax: 276 223.6046 E-Mail: aoverbay@vt.edu

Activity Date: Dec. 7, 2004
Area Requested: BR
Purpose of Activity: Awards Ban.
Classification: NP

Activity Details

Persons: 80 TIME IN: 6 TIME OUT: 9
Activity Time: _____ TOTAL HOURS: _____
Tables: _____ Chairs: _____ Easel: _____
Coffee Urn: _____ Storage: _____ PA: _____
Caterer's Name: _____ Arrival: _____
Alcohol Use Officer: _____ Time: _____

Fees

Paid Set Up: _____ (staff)
Paid Clean Up: _____ (staff)
Room/Area Rental Fees: \$ 26.50
Kitchen: \$ _____
Security Deposit: \$ 80
P.A. Rental: \$ _____
Set Up Fee: \$ _____
Police Officer Fees: \$ _____
Other: \$ _____
TOTAL: \$ 106.50
Total Paid: \$ _____
Date: _____ Rec. No. _____
____ Check ____ Cash
BALANCE: \$ _____ DUE BY: _____
Balance Paid: \$ _____ Date: _____
Rec. No. _____ ____ Check ____ Cash

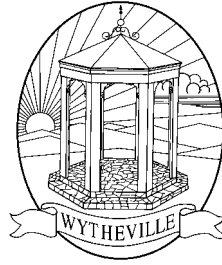
I (We) understand that permission for use is granted on condition that all rules and regulations pertaining to the use shall be followed and understand that permission for use may be revoked at any time for failure to do so. Upon request I have read the facility policies and agree to abide by them. The Town of Wytheville Parks and Recreation Department reserves the right to cancel or change facility rentals as needed.

This agreement is subject to the details, terms, conditions and policies of the facility.

Representative's Signature: Andrew E. Overbay DATE: _____
Staff Signature: Tracy B. Histon DATE: 9-28-04

Back Handbook Provided: _____
Police Dept. Contacted: _____
ABC Application: _____

Refund Amount: _____ Date: _____
Police Officer Pd: _____ Date: _____
Staff Pd: _____ Date: _____



Meeting Date:	Monday, October 25, 2004
Item Name:	Committee Reports
Item Number:	H-1
Subject:	Budget and Finance Committee Report

SUMMARY:

The Budget and Finance Committee will report on the following matters:

- a. Charges for water usage and connections
- b. Update on Community Center Project

[Back](#)

BUDGET AND FINANCE COMMITTEE REPORT

OCTOBER 25, 2004

1. This spring, when we went through the process of preparing the budget for fiscal year 2004-2005, the Council imposed a 3 percent per year water/sewer rate increase to be implemented over the upcoming five years. The total proposed increase over this period was 15 percent. During the last fiscal year and the current fiscal year, the Town has made a number of significant improvements to the water and wastewater systems. These improvements have been both to the water and sewer treatment facilities as well as to the water distribution system and the sewage collection system. All of these projects have been expensive and have resulted in more system expenses than revenue being generated. Our Committee is currently reviewing the proposed rate increase schedule and we think it may be worthwhile to consider revising it somewhat. One scenario that is being considered is that we revise the rate increase schedule to have a larger increase during the first year with smaller increases in the four subsequent years, all of which total the original 15 percent rate increase over the five year period that the Council had previously adopted. In addition, we are also looking at connection fees for water and sewer. Our fees, which are currently \$750 each for water and sewer connection, are relatively modest compared to most water systems and may well need to be increased somewhat. Also, there is the proposal that we consider creating a new type of fee known as an "availability fee"

where multiple family dwellings would be assessed fees for additional connections beyond one.

We hope that we will have a recommendation available for the Council by the next meeting. We want to keep our water and sewer charges at the lowest rate possible, though it is becoming increasingly apparent that additional revenues are needed to support the system.

2. We thought it may be helpful to give an update on the Community Center project. The project plans and specifications were completed about two months ago, and, subsequently, we were authorized by Rural Development to advertise the project for bid. The pre-bid conference was held October 15th where interested contractors had the opportunity to discuss the project with the architects and engineers. The bids on the construction of the Community Center are scheduled to be received on Wednesday, November 17th, and opened on Thursday, November 18th. After bids are received, they will be reviewed by our architects and submitted to Rural Development for their review. Assuming that the project bids are within the scope that was anticipated, we will then proceed with going to the loan closing with Rural Development. This closing process and the award of a contract will probably take 45 to 60 days after bid opening.

In other related items, it now appears that American Electric Power has

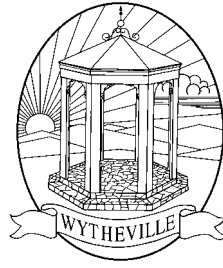
acquired from the Emerson Electric Company an easement needed to relocate an electric line that will serve the new Community Center. With this issue resolved, the grading contractor can now complete the site excavation, which will permit the building contractor to proceed. We would anticipate that we would have a bid tabulation and other related items to present to the Council at our November 22nd meeting.

Jacqueline K. King

John W. Jones, Jr.

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[Back](#)



Meeting Date:	Monday, October 25, 2004
Item Name:	Committee Reports
Item Number:	H-2
Subject:	Public Works Committee Report

SUMMARY:

The Public Works Committee will report on the following matters:

- a. Widening work on East Main Street complete
- b. Requests for revisions to traffic control and parking limitations at several locations

[Back](#)

PUBLIC WORKS COMMITTEE REPORT

OCTOBER 25, 2004

1. Town forces have now completed a fairly significant project to relocate and widen the eastbound lanes on East Main Street from 11th Street to a point near the Smokers' Friend store. This work has involved moving the existing curbing along this portion of roadway and reconstructing it approximately eight feet behind what was the existing curb. The result of this work is twofold in that it eliminates a "dogleg" in the curbing on East Main Street, and, secondly, it also creates a center turning lane through this section of roadway. This center turn lane now gives better access to those businesses located near the intersection of Main and 11th Streets. We think this project will be beneficial to motorists as well as those affected businesses.
2. Our Committee has received two inquiries that are currently under review. The first request was that three-way stop situations be created on North Street between 11th Street and 1st Street. According to the citizen making the request, North Street is currently being used as a bypass by motorists to avoid the traffic signals on Monroe Street. The requester also noted that this traffic was traveling at excessive speeds and creating an unsafe situation. Also, with regard to North Street, we have been requested to review elimination of parking along the south side of North Street and moving the permitted parking areas to the north side of North Street. The nature of this request is to increase the visibilities at the intersections at 1st, 5th, and 7th Streets. We would

anticipate that we would have a recommendation on this request by the next meeting of Council.

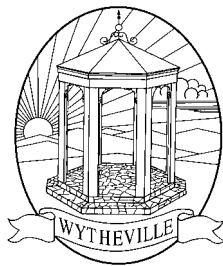
Secondly, we have been requested to review the potential to restrict parking on East Main Street between 5th and 7th Streets to 2-hour time limits. Currently, the 2-hour parking restrictions on Main Street end at 5th Street. This request would be that the parking restrictions be extended to 7th Street. This inquiry has been received before, and, previously, there was no concurrence among the various property owners in this block for the need of these restrictions. Likewise, we have not reached a consensus on a recommendation, but would anticipate that we would have a recommendation by the next meeting.

William B. Weisiger

H. Judson Lambert

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[Back](#)



Meeting Date:	Monday, October 25, 2004
Item Name:	Other Business
Item Number:	I-1
Subject:	Planning Commission Recommendation

SUMMARY:

The Planning Commission has conducted a public hearing to consider the request of Mr. Ernest Wilson, representing Charles and Karen Parcell, for a special exception permit for an accessory structure on a lot without a primary residence at 450 Tremough Drive which is located on the south side of Tremough Drive between North Fourth Street and the end of Tremough Drive in an R-2 Residential District. A copy of their recommendation is enclosed as well as the application and staff report. It will also be necessary for Council to conduct a public hearing regarding this request, which can be scheduled for November 22, 2004, at 7:00 P.M.

[Back](#)



WYTHEVILLE PLANNING COMMISSION RECOMMENDATION TO COUNCIL

Request:

Request of Mr. Ernest Wilson, on behalf of Charles and Karen Parcell, for a special exception permit for an accessory structure on a lot without a primary residence at 450 Tremough Drive which is located on the south side of Tremough Drive between North Fourth Street and the end of Tremough Drive in an R-2 Residential District.

Recommendation to Town Council:

After much discussion regarding the request, the Planning Commission would recommend that the Town Council approve the request of Mr. Ernest Wilson, on behalf of Charles and Karen Parcell, for a special exception permit for an accessory structure on a lot without a primary residence at 450 Tremough Drive, which is located on the south side of Tremough Drive between North Fourth Street and the end of Tremough Drive in an R-2 Residential District, with the following stipulations:

1. Confirmation that the new lot line would be placed so the other accessory structure and the residence are conforming with respect to setbacks, etc.
2. The special exception permit be granted only to Charles and Karen Parcell and is nontransferable.
3. Council reserves the right to review the property annually to assure that the accessory structure is kept in good condition and there is not an accumulation of junk or debris around the structure.
4. The accessory building cannot be expanded without the approval of a special exception permit.

TOWN OF WYTHEVILLE
APPLICATION FOR SPECIAL EXCEPTION PERMIT

Name of Applicant: Ernest F. Wilson

Mailing Address of Applicant: 2260 N. Fourth St.

Wytheville, VA 24382

Phone Number of Applicant: (276) 228-3437 (620-3437)
Cell phone

I (We) the above named applicant(s) request the issuance of a special exception permit in the R-2 zoning district. The property

is located on the South side of Tremough Drive

Street between N. Fourth Street and End of Tremough St.

Street more specifically described as lot # 37 (450 Tremough) of R.H. Crowsey Estate ^{Subdivision} subdivision (or block). The explanation of the use

which is proposed in this zoning district is as follows: Accessory Structure
(without Primary Residence)

The owners of the above described property are as follows:

[] Same as applicant

[] Other - Provide Information

Name: Karen & Charles Porcell

Address: 450 Tremough Dr.

Wytheville, VA 24382

Phone: (803) 980-5333

If property owner is other than the applicant, describe the relationship (i.e., have option on land, legal counsel, etc.). Applicant is property owner's father. (father in law)

Describe the intended purpose of the request and the improvements which are proposed for this parcel of property if the special exception permit is issued.

Allow the Single lot to be once again divided into two lots and allow and existing accessory structure to remain on the unimproved lot.

I (We) certify the above information is true and correct.

Ernest Wilson
Signature

8-26-04
Date

INTERNAL USE ONLY

Date application received: 8/26/04

Reference Section _____ of the _____ zone.

Future Land Use Zoning designation: _____

Publication dates for public hearings:

Planning Commission: Sept. 25, 2004 and October 2, 2004

Town Council: _____ and _____

Date request was presented to Planning Commission: September 9, 2004

Date request was presented to Town Council: _____

Date public hearing conducted by Planning Commission: October 14, 2004

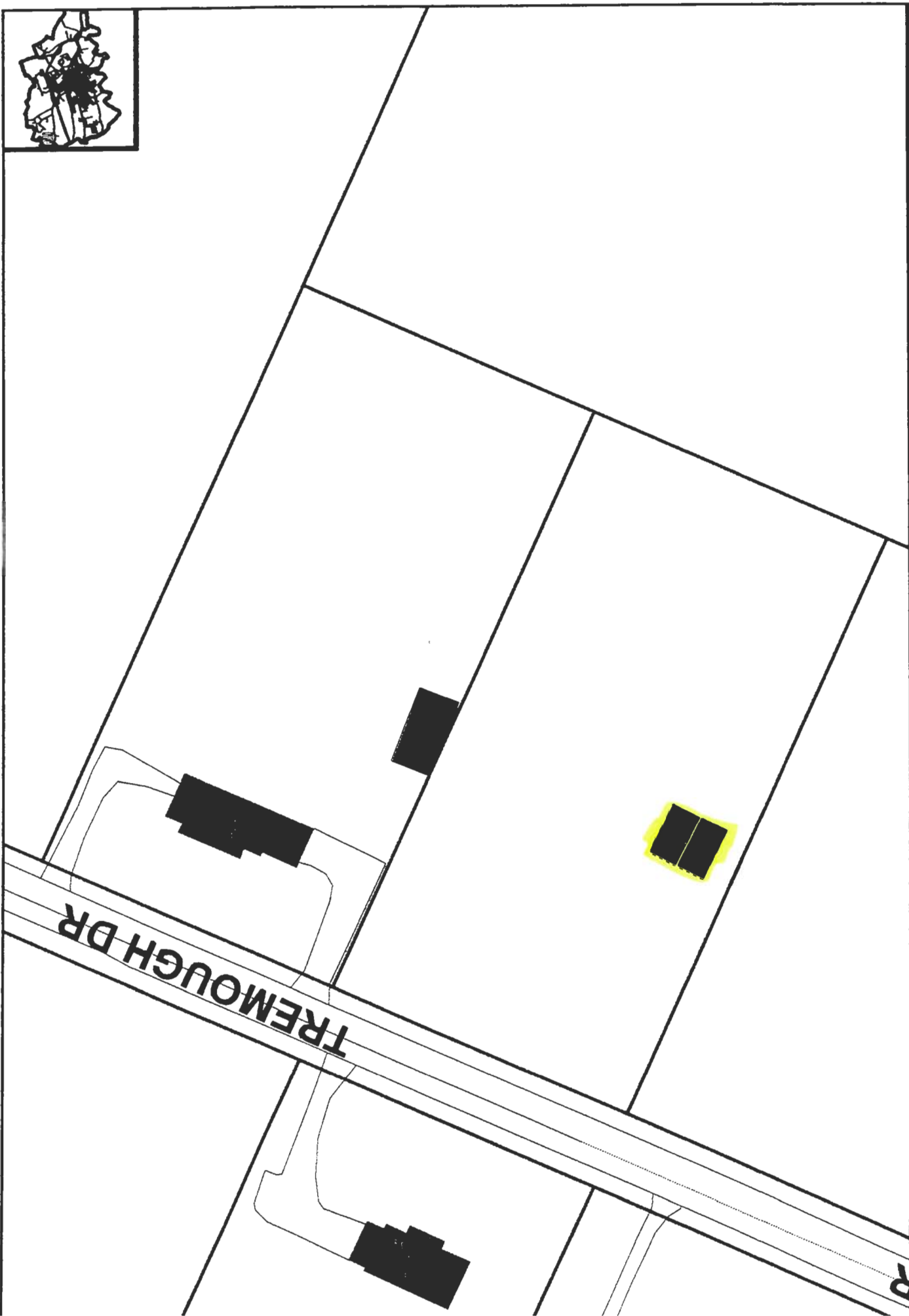
Date public hearing conducted by Town Council: _____

Date _____ Permit granted [] or denied []

Attachments []

Town Manager

Date



Parcel Property/Wilson Request

1 in. = 79.8 feet

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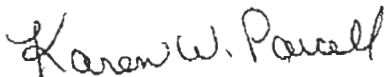
September 7, 2004

To Whom It May Concern:

We are requesting this special exception from Wytheville Planning Commission and authorize Ernest F. Wilson (father) to represent us in our behalf.

Furthermore, we separately and jointly give limited power of attorney to Ernest F. Wilson to represent any and all actions concerning property located at 450 Tremough Drive, Wytheville Va. 24382.

Karen W Parcell



Charles D. Parcell





ERNEST WILSON / CHARLES AND KAREN PARCELL SPECIAL EXCEPTION PERMIT REQUEST

Staff Report

The request of Ernest Wilson, representing Charles and Karen Parcell, for a special exception permit to allow an existing accessory structure to remain on a lot without a primary structure.

Background

Mr. Wilson's son-in-law and daughter have resided at 450 Tremough Drive. They own two lots at this location, one upon which their house is located. Several years ago, they built an accessory structure on the unimproved lot. In order to comply with the Zoning Ordinance, the two lots were combined on a plat into one, and the structure was built to the rear of the primary structure (their residence). They have moved out of state and would like to sell the residence, but would like to, again, subdivide the lot so that some day they can return and build a house on the unimproved lot. The Town's Zoning Ordinance will not allow an accessory structure without a primary structure on the lot, and a special exception permit to allow this situation is being sought. (See attached plan.)

This is an R-2 Residential neighborhood that is composed only of single-family residences and a number of undeveloped lots. The subdivision is surrounded by an A-1 Agricultural District to the north, by R-3 Residential Districts to the east and west, by an R-2 Residential District to the southwest, and by an R-3 Residential District to the south. The lots along Tremough Drive are very large and appear to have street frontages approaching 200 feet in width. The accessory structure that they would like to leave in place is a garage-like, wood-frame storage building. It is located on the southern boundary of the undeveloped lot and sits approximately 150 feet from the Tremough Drive right-of-way. This is a nice neighborhood with a "rural" appearance—there are meadows surrounding this subdivision that are utilized for farming, and many of the homes in this area have large accessory structures on their lots.

Considerations

Each special exception permit request should be considered on the merits of the request and according to the guidelines adopted by the Planning Commission for use in considering special exception permits. These guidelines are attached. The guidelines are intended to make sure the special exception has either beneficial impact, or little or no impact on the

neighborhood for which it is proposed. Town Council has the right to grant special exception permits, and the Planning Commission has the obligation to recommend to the Town Council its opinion relative to the special exception permit and the safeguards or conditions that should be attached to the special exception permit. By State law, the local governing body (Town Council) has the right to issue special exception permits and attach suitable safeguards: “For the granting of special exceptions under **suitable regulations** and **safeguards**; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions.”

In this case, we see no reason that a special exception permit will harm the neighborhood for the present time. It may possibly change the character in that a house may be built on the subdivided lot in the future, but a house and the accessory structure would have been permitted in the original lot arrangement prior to the combination of the two plats into one lot.

Barring any reasonable objections brought forth by the neighbors about unforeseen conditions imposed by a special exception permit, this appears to be a reasonable exception that has no detrimental effect on the neighborhood. To be technically in compliance, the Planning Commission may want to request that a survey confirm that dividing the single lot into two will result in a conforming setback situation relative to the other accessory structure on the lot. The other accessory structure appears to have the required 3’ setback from the proposed dividing line, but it is a situation that should be confirmed by a survey or similar means to be sure that another nonconforming situation is not created.

Planning Commission may want to recommend some safeguards that would protect the neighborhood in the future, such as the ability of the Council to review the accessory structure annually to be sure that it is kept in reasonable condition and free from the accumulation of junk and debris, etc. Planning Commission may want to recommend placing a time limit on the special exception, for example 5 or 10 years, after which time it would need to be reviewed again, or they may want to restrict the special exception permit to the Parcels only. If it were sold or changed hands, the new owner would need to reapply for the special exception permit or remove the accessory structure.

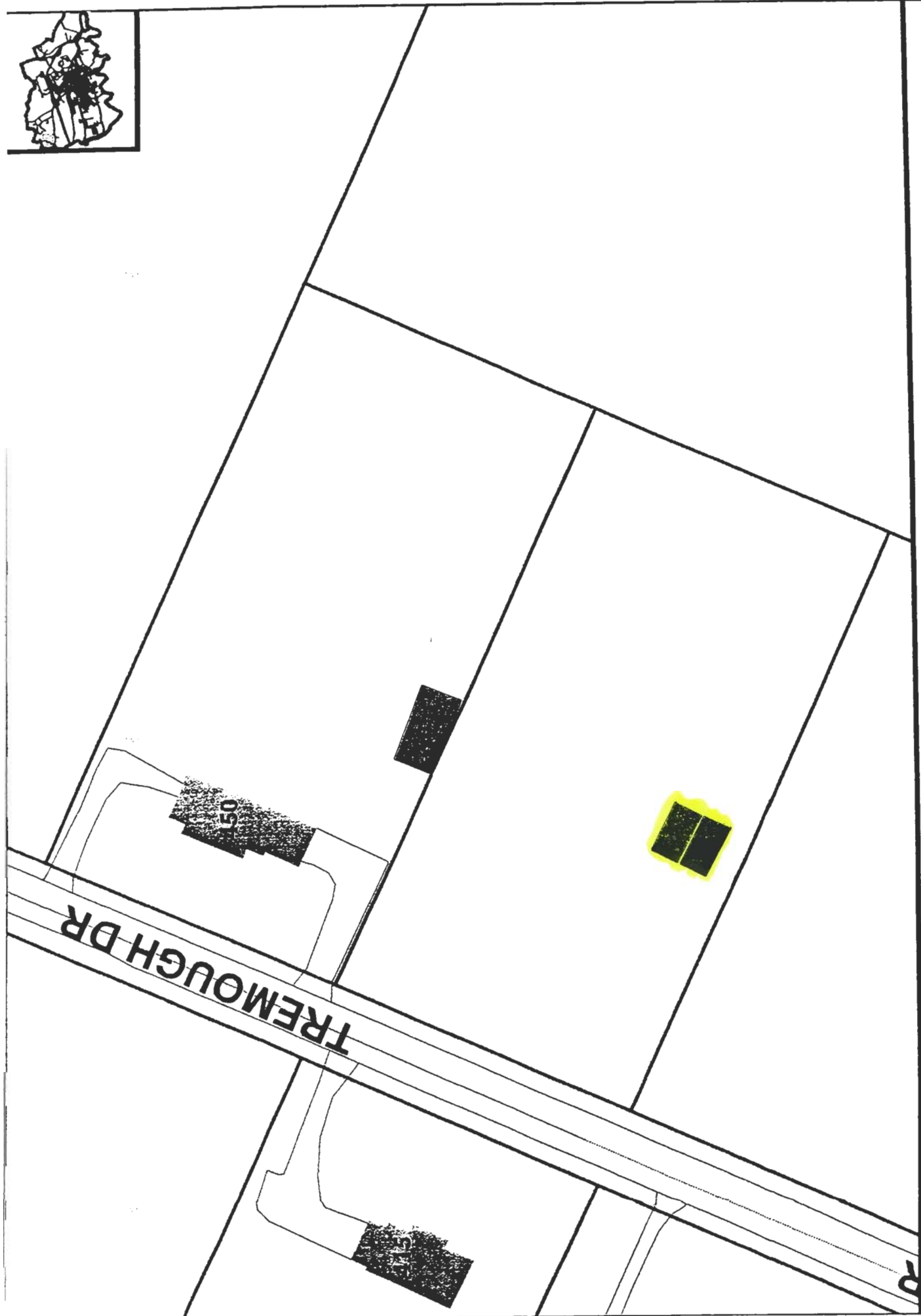
Staff Recommendation

It appears that to grant this special exception permit would have no impact on the character or appearance of the neighborhood. We recommend that the dividing lot line be confirmed so that the other accessory building nearest the existing residence is conforming. To the best of our knowledge, an invisible lot line is the only change that would occur with this special exception. If there are no objections from the neighborhood and unless these objections expose some detrimental effects of this special exception, we would recommend the special exception permit be granted. We would suggest that Planning Commission and Council may want to impose some safeguards that might include:

1. A confirmation that the new lot line would be placed so the other accessory structure and the residence are conforming with respect to setbacks, etc.
2. The special exception permit be granted to Charles and Karen Parcell.
3. Council reserve the right to review the property annually to assure that the accessory structure is kept in good condition and there is not an accumulation of junk or debris around the structure.
4. Town Council may want to impose a time limit on the special exception permit at which time it may be renewed if conditions remain the same.

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1/14



aerial imagery
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1 in. = 79.8 feet



Parcel Property/Wilson Request

GUIDELINES FOR USE IN CONSIDERING SPECIAL EXCEPTION PERMITS

1. Is the use compatible with and similar to uses permitted in the zoning district?
2. In what ways will the use affect the zone or area, and is it possible that it may be beneficial to the area?
3. What is the future zoning of the area as proposed by the future zoning map in the Comprehensive Plan and does the use relate to this future zoning?
4. In the context of future zoning, does the special exception use have a time limitation or a limitation of some sort?
5. Will the future development result in a rezoning which would permit the proposed special exception use?
6. Would incremental review of the use in the special exception be wise (if special exception permits are issued for a period of years, say four years, eight years, ten years, 15 years, etc.)?
7. Is the proposed use apt to be detrimental to the uses which can be zoned in the future?
8. Are there special characteristics of design, location, construction, method of operation, affect on traffic conditions, or any other aspects of the particular use or associated improvements which are necessary or desirable?
9. Will the proposed use affect the welfare of persons residing, working, or using the premises or in the neighborhood or area?
10. What is the impact on the environment including any conditions or hazards which might be presented by the use, associated improvements, or processes resulting from the use? Will the use have impacts on the supply and quality of the light and air to adjacent properties?
11. Will the use or resultant improvements create a threat from fire or other hazards?
12. How will the use or resulting improvements impact traffic congestion and flow?
13. What will the impact of the use or resultant structures, improvements, or processes have on the character of the district or adjacent districts? Is the use compatible therewith? What is the potential to impair property values, particularly in scenic or historic areas?

Possible restrictions which Planning Commission may want to consider for special

exceptions:

1. Use restrictions which include what types of activities, processes, or procedures are performed at the site.
2. Restrictions as to specific times which the use, activities, or processes may take place on the site, such as daylight operation only, 9:00 a.m. to 5:00 p.m. only, etc.
3. Restrictions as to where the processes will be allowed on the site.
4. Granting the special exception permit with specific ownership. Any change in that ownership would require reapplication for the special exception permit. This could include family ownership and allow transfer to heirs.
5. Periodic review requirements. The special exception permit would need to be reviewed annually, every five years, every ten years, etc.
6. Specific improvements which must be made to allow the special use such as construction of screen walls, installation of landscaping berms, etc.

[Back](#)

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, OCTOBER 11, 2004, AT 7:00 P.M.**

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

Members absent: John W. Jones, Jr.

Others present: Town Manager C. Wayne Sutherland, Jr., Town Clerk Sharon P. Hackler, Patrol Officer Chris Irvin, Danny Gordon with WYVE/WXBX, Stephanie Porter-Nichols with Wytheville Enterprise, Agnes Eades, Dan Moore, Mike Cassell, Randy Martin

RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE

Mayor Crewe called the meeting to order and established that a quorum of Council members was present. He noted that Councilman Jones and Town Attorney Kaase will not be attending the meeting. The invocation was given by Vice-Mayor King followed by the Pledge of Allegiance led by Mayor Crewe.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of September 27, 2004; the request of the Wythe County Electoral Board for waiver of fee for use of the Community Center Bingo Room on October 26, 2004, for training election officials; and the request of the Wytheville-Wythe-Bland Chamber of Commerce, Incorporated for permission to conduct the Annual Chamber of Commerce Christmas Parade on Saturday, December 4, 2004, at 5:00 p.m. and to close the municipal parking lot for float parking. A motion was made by Councilman Lambert and seconded by Councilman Weisiger to approve the consent agenda consisting of the minutes of the regular meeting of September 27, 2004; the request of the Wythe County Electoral Board for waiver of fee for use of the Community Center Bingo Room on October 26, 2004, for training election officials; and the request of the Wytheville-Wythe-Bland Chamber of Commerce, Incorporated for permission to conduct the Annual Chamber of Commerce Christmas Parade on Saturday, December 4, 2004, at 5:00 p.m. and to close the municipal parking lot for float parking. 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, H. Judson Lambert. Against: None.

RE: PUBLIC HEARING – ABANDONMENT OF RIGHT OF WAY ON CASSELL ROAD

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider the request of the Wytheville Redevelopment and Housing Authority to abandon an area of right of way on Cassell Road, which abuts property at 360 Cassell Road. He noted that he is not suggesting that Mr. Randy Martin needs to address the Town Council, but he knows that Mr. Martin is attending the meeting on behalf of the Housing Authority. Mayor Crewe inquired if there are persons present who wish to address the Town Council during the public hearing.

Mr. Mike Cassell was recognized and stated he owns the property at 395 Cassell Road. He thanked the Council for the opportunity to attend the meeting and for sending him the information about this public hearing. He noted he has some questions about the need for this abandonment of right of way and also what the standard procedure would be if this right of way is abandoned and what happens to the property. Mayor Crewe stated that subject to clarification from the Town Manager, the first answer is the standard procedure is a request is made to abandon a right of way, the Council appoints viewers, which has been done, and the viewers make a recommendation as to whether or not the right of way should be abandoned. He explained that the viewers are the Public Works Committee, which consists of Councilmen Weisiger and Lambert. Mayor Crewe noted it is no secret that the viewers have made their report in the fact that at this meeting they will recommend the right of way be abandoned. He remarked that there are two ways of doing this. He explained there is an ordinance at this meeting on which the Council will vote to abandon or not abandon the right of way. Mayor Crewe stated if the Council abandons the right of way, and that is all there is to it, there would be a fee charged. He noted the Council has a set schedule and a square footage charge to the landowner, and they would own the right of way. Mayor Crewe noted, for example, if the right of way is 100 feet, the landowner would pay a certain amount of money for it, but he thinks it is approximately \$3.80 per square foot. He remarked that the cost is the number of square feet multiplied by the figure per square foot, and this would be the cost that the landowner

would have to pay. Mayor Crewe indicated that in this case, there would be no payment made because the request is that the Town will maintain a utility right of way easement across the abandoned property so the Town could place water lines, sewer lines, etc. through the property if needed. He explained the reason this piece of property is left is when the Town straightened Cassell Road, the Town already had that right of way and this is where the road moved over when it went straight, and this small sliver of land is left over from when the Town straightened the road. Mayor Crewe advised that he hopes this is responsive to Mr. Cassell's two questions. He noted if he missed something, he would request Town Manager Sutherland to respond. Town Manager Sutherland advised Mr. Cassell that the portion of land that is shaded on the map is the portion of land in question. He noted if the right of way is, in fact, abandoned, it will be conveyed to the Wytheville Redevelopment and Housing Authority, though there will be a utility easement for this property. Town Manager Sutherland pointed out that currently, there is a sewer line in that section of right of way. Mayor Crewe stated the other piece of this that is responsive to Mr. Cassell's question is he thinks the reason the Housing Authority wants this portion of property is to change their setback lines. He noted the Authority does not intend to build on or use this property, but if their property line moves back 10 feet, then the setback line moves back 10 feet as well. Mayor Crewe summarized that the Housing Authority would use the property as part of their complex but not as a part of the building. He noted he also understands that this property would not be part of the parking lot. Mr. Cassell noted he is unaware of this project, and he inquired if the Housing Authority is going to place additional housing on this property. Mayor Crewe noted that is correct and this is what the Housing Authority is hoping to do with this property and that is why they purchased the lot. Town Manager Sutherland advised Mr. Cassell that the neighbors will not see anything change. Mr. Cassell inquired if this abuts their property. Town Manager Sutherland noted that is correct and advised the difference will be that it will give the Housing Authority the opportunity to change the slope and angle of their buildings because of this additional frontage, but reiterated he did not think Mr. Cassell will notice any difference. Mayor Crewe stated the right of way line will move, and the Town right of way line will move closer to the street and will not include the shaded area on the map, but there is no proposal to place a structure on this portion of land. Mr. Cassell noted he was understanding from the drawing he received that possibly it impacted further down on the corner of Cassell Road with other homes. Mayor Crewe noted the only area considered to be abandoned is the small sliver of land in the front where the curb was straightened. Town Manager Sutherland pointed out that Mr. Cassell's map is more difficult to read than the one he just presented to him. Mayor Crewe inquired if this answers Mr. Cassell's questions. Mr. Cassell stated that is correct. Mayor Crewe thanked Mr. Cassell for his comments.

Mayor Crewe inquired of Mr. Martin if what he stated to Mr. Cassell is correct. Mr. Martin advised that is correct.

Mayor Crewe inquired of Mr. Dan Moore if this discussion answered his concerns or if he would like to address the Council. Mr. Moore advised that he is the pastor at First Assembly of God. He noted he appreciated the Council inviting him to attend the meeting. Mr. Moore noted he did not quite understand what was going to be done, and inquired if this right of way is beyond the church property. Town Manager Sutherland answered that the right of way is immediately in front of the Housing Authority property only. Mr. Moore inquired regarding the small piece of property that is between the Housing Authority and the church property. He explained that there is a road that runs between the two properties. Town Manager Sutherland inquired if Mr. Moore is referring to the new map. Mayor Crewe inquired of Mr. Moore as to the road that is depicted on the map. Mr. Moore indicated that there is a road at the back of the church property that goes between their property and the Housing Authority property. Mayor Crewe noted he is not positive where the church property is relative to this sketch, but advised it is probably the 30-foot right of way. Town Manager Sutherland indicated that the 30-foot right of way is owned by the apartment complex. Mr. Moore noted that nothing is going to be done with the 30-foot right of way. Town Manager Sutherland advised that is correct. Mayor Crewe stated the Town does not own this 30-foot right of way, and it is not part of the Town's property. Mr. Moore noted that the parcel shaded on the map is the only right of way that is going to be affected. Mayor Crewe noted that is correct, and it is, technically, a rectangular shaped piece of property because it has four sides, and it is almost a triangle. Mr. Moore stated he thought the 30-foot right of way was also going to be affected. Mayor Crewe noted that this 30-foot right of way will not be affected. Mr. Moore noted that this is also a right of way, and the church owns property beside it. Mayor Crewe reiterated that the right of way being considered is only the small, shaded area immediately in front of the property of the Housing Authority. Mr. Moore noted that the roadway will not be affected. Mayor Crewe advised that is correct. Town Manager Sutherland inquired if Mr. Moore is referring to the 30-foot right of way roadway. Mr. Moore noted that is correct. Town Manager Sutherland advised that the 30-foot right of way roadway will not be affected. Mr. Moore indicated that this is what he was wondering about because the church property abuts it, and he did not know what the Housing Authority was going to do. Mayor Crewe thanked Mr. Moore for attending the meeting.

Mayor Crewe inquired if there are others who wish to address the Town Council during the public hearing. He noted that no one else on the sign up sheets had indicated they wish to address the Town Council. There being no one else who desired to address the Council during the public hearing, Mayor Crewe declared the public hearing closed. He reminded everyone that the Council will take action on the ordinance later in the meeting.

RE: CITIZENS' PERIOD

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

RE: OLD BUSINESS

Town Manager Sutherland stated there were no items of Old Business to be reported.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, stated that currently, the Town's Zoning Ordinance places certain restrictions on the erection of political signs. She noted that under the current ordinance, political signs are deemed to be temporary signs requiring the approval of the Town Council for placement and limiting the time period they can remain in place subject to public view. Vice-Mayor King noted that State law was recently changed, and a time limitation can no longer be imposed on these political signs. She advised that as such, it will be necessary for the Council to amend the political sign regulations to delete the Town's current time constraints. Vice-Mayor King explained that this revision will not change the remaining provisions within this section, which permits political signs with a maximum area of 32 square feet in Business and Industrial Districts and with a maximum area of 6 square feet in Residential Zones. She stated it would be the recommendation of the Budget and Finance Committee to amend the attached regulations regarding political signs. Mayor Crewe advised that this comes from the Committee with a second. He noted the Council has the regulations in their packet that deletes the paragraph with the time limit. Mayor Crewe inquired if there is any discussion on the motion to approve the amendment to the regulations. Councilman Lambert inquired if a candidate can walk off and abandon the sign after the election and it stays there forever. Town Manager Sutherland stated that is correct. Councilman Lambert advised that he thinks this is what it means, and that this is not a good change in the law. Vice-Mayor King stated she agreed. Mayor Crewe noted he agrees, and this is exactly what it means, and there will be no time limit. He advised that it may not be completely hopeless because the sign could be deemed a nuisance or, depending on where it is, for example, if it is in the sight distance and it is a hazard or something like that, the Town may have some other tools available. Mayor Crewe indicated, for example, that if the sign has been in his front yard for two years, the Town will not be able to make him take it down. Town Manager Sutherland advised that Mayor Crewe is correct, and the Town would have to approach the sign as a nuisance. Mayor Crewe inquired if there are any other discussions 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, H. Judson Lambert. Against: None. Mayor Crewe noted that the amendment has been adopted.

Vice-Mayor King also reported that in August, the Town received notification from the Department of Environmental Quality of the award of a grant in the amount of \$2,368 for activities to be used for litter prevention and recycling. She noted these funds are not in the current budget, and, as such, will require a line item revision within the current budget. Vice-Mayor King indicated that it is the recommendation of the Budget and Finance Committee that the Council authorize the Town Treasurer to place \$2,368 in the appropriate line of the Refuse Collection budget. She stated the Public Works Department plans to use these grant funds to replace trash receptacles on Main Street. Mayor Crewe inquired if there is any discussion on this motion to make the line item revision to the budget. There being no discussion, 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, H. Judson Lambert. Against: None. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Lambert, reporting for the Public Works Committee, reported that earlier this evening, the Council conducted a public hearing to consider the request of the Wytheville Redevelopment and Housing Authority for the Town to abandon an area of right of way on Cassell Road, which abuts property at 360 Cassell Road. He stated that previously, the Council appointed the Committee as viewers, and they have, in fact, visited the site to

determine any negative impacts the abandonment would have to the Town. Councilman Lambert noted that the Committee has attached, for the Council's review, a plat depicting the area that is under consideration. He explained that the Housing Authority is desirous of having this portion of right of way abandoned since it will give them additional flexibilities in the placement of the apartments they are planning to construct. Councilman Lambert advised that the right of way denoted on the plat to be abandoned is the result of a project a number of years ago when certain curves in Cassell Road were straightened. He noted the Committee does not see any problems with the abandonment of this section of right of way provided that the Town maintains utility easements over the entire abandoned area. Councilman Lambert advised that later in the meeting, when the ordinance, which abandons this section of right of way, is considered, it would be the recommendation of the Public Works Committee that the rules be suspended and the ordinance be adopted on first and final reading. Mayor Crewe advised that the Council will consider this ordinance later in the meeting.

Councilman Lambert also reported that at the last meeting of Council, the Committee reported that they had received an inquiry from the Wytheville Redevelopment and Housing Authority seeking the development of "no parking" zones around two of the Housing Authority's residential sites. He stated the Committee requested the Housing Authority Board to give them some additional insight into the need for these parking restrictions, and, also, to consider the imposition of parking restrictions for a specified period of time. Councilman Lambert remarked that the Housing Authority has responded and agreed that a partial parking restriction may well serve their intended purposes. He explained that the Committee's rationale for suggesting a limited parking restriction would be for the convenience of those residents during the daytime hours. Councilman Lambert noted that as such, it would be the recommendation of the Public Works Committee that the Town proceed with the installation of "No Parking" signs for the two sites (the site located at 22nd, 24th, and Washington Streets, and the site located at Pine Street between 24th and 26th Streets) and that parking be restricted from 7:00 p.m. to 7:00 a.m. daily. A motion was made by Councilman Lambert and seconded by Councilman Weisiger that the Town proceed with the installation of "No Parking" signs for the two sites (the site located at 22nd, 24th, and Washington Streets, and the site located at Pine Street between 24th and 26th Streets) and that parking be restricted from 7:00 p.m. to 7:00 a.m. daily. 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, H. Judson Lambert. Against: None. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: ORDINANCE NO. 1181 – RIGHT OF WAY ABANDONMENT

Mayor Crewe presented Ordinance No. 1181, an ordinance abandoning an area of right of way on Cassell Road, which abuts property at 360 Cassell Road, on first reading. He noted this is the ordinance that Mr. Cassell and Pastor Moore are attending the meeting regarding. Mayor Crewe advised that this is the ordinance that would abandon the Cassell Road right of way. He noted it comes from the recommendation of the Public Works Committee that the rules be suspended and the ordinance be adopted on first and final reading, so it would be effective immediately. A motion was made by Councilman Lambert and seconded by Councilman Weisiger to suspend the rules and adopt Ordinance No. 1181, an ordinance abandoning an area of right of way on Cassell Road, which abuts property at 360 Cassell Road, on first and final reading. Mayor Crewe inquired if there is any discussion on the ordinance. 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, H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1181 was adopted on first and final reading. Mayor Crewe advised that the right of way will be abandoned effective immediately. Mayor Crewe thanked Mr. Cassell and Mr. Moore for attending the meeting and for keeping abreast of matters in their neighborhood.

RE: APPOINTMENT – JOINT INDUSTRIAL DEVELOPMENT AUTHORITY

Mayor Crewe stated the next agenda item is notification of an appointment to the Joint Industrial Development Authority to fill the expiring term of Mr. Steve Irvin whose term expires November 13, 2004. He noted that Mr. Irvin has served two consecutive terms, and, therefore, he is not eligible for reappointment. Mayor Crewe advised that the Town Council can take action at this meeting or defer it to another meeting. He noted that the Council members have the

applications in their packet for appointment to this Authority. A motion was made by Vice-Mayor King and seconded by Councilman Lambert to appoint Mr. David Elmore to the Joint Industrial Development Authority. 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, H. Judson Lambert. Against: None.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting. (7:17 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, CMC, Clerk of Council

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[Back](#)

BUDGET AND FINANCE COMMITTEE REPORT

OCTOBER 11, 2004

1. Currently, the Town's Zoning Ordinance places certain restrictions on the erection of political signs. Under the current ordinance, political signs are deemed to be temporary signs requiring the approval of the Town Council for placement and limiting the time period they can remain in place subject to public view. State law was recently changed, and a time limitation can no longer be imposed on these political signs. As such, it will be necessary for the Council to amend the political sign regulations to delete our current time constraints. This revision will not change the remaining provisions within this section, which permits political signs with a maximum area of 32 square feet in Business and Industrial Districts and a maximum area of 6 square feet in Residential Zones. It would be the recommendation of the Budget and Finance Committee to amend the attached regulations regarding political signs.
2. In August, the Town received notification from the Department of Environmental Quality of the award of a grant in the amount of \$2,368 for activities to be used for litter prevention and recycling. These funds are not in the current budget, and, as such, will require a line item revision within the current budget. It is the recommendation of the Budget and Finance Committee that we authorize the Town Treasurer to place \$2,368 in the

appropriate line of the Refuse Collection budget. The Public Works Department plans to use these grant funds to replace trash receptacles on Main Street.

Jacqueline K. King

John W. Jones, Jr.

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[Back](#)

PUBLIC WORKS COMMITTEE REPORT

OCTOBER 11, 2004

1. Earlier this evening, the Council conducted a public hearing to consider the request of the Wytheville Redevelopment and Housing Authority for the Town to abandon an area of right of way on Cassell Road, which abuts property at 360 Cassell Road. Previously, the Council appointed our Committee as viewers, and we have, in fact, visited the site to determine any negative impacts the abandonment would have to the Town. We have attached, for the Council's review, a plat depicting the area that is under consideration. The Housing Authority is desirous of having this portion of right of way abandoned since it will give them additional flexibilities in the placement of the apartments they are planning to construct. The right of way denoted on the plat to be abandoned is the result of a project a number of years ago where certain curves in Cassell Road were straightened. We do not see any problems with the abandonment of this section of right of way provided that we maintain utility easements over the entire abandoned area. Later this evening, when the ordinance, which abandons this section of right of way, is considered, it would be the recommendation of the Public Works Committee that the rules be suspended and that the ordinance be adopted on first and final reading.
2. At the last meeting of Council, we reported that we had received an inquiry from the Wytheville Redevelopment and Housing Authority seeking the development of "no parking" zones around two of the Housing Authority's residential sites. We

requested the Housing Authority Board to give us some additional insight into the need for these parking restrictions, and, also, to consider the imposition of parking restrictions for a specified period of time. The Housing Authority has responded and agreed that a partial parking restriction may well serve their intended purposes. Our rationale for suggesting a limited parking restriction would be for the convenience of those residents during the daytime hours. As such, it would be the recommendation of the Public Works Committee that we proceed with the installation of “No Parking” signs for the two sites (the site located at 22nd, 24th and Washington Streets, and the site located at Pine Street between 24th and 26th Streets) and that parking be restricted from 7:00 p.m. to 7:00 a.m. daily.

William B. Weisiger

H. Judson Lambert

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[Back](#)