

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JANUARY 12, 2004, 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, Patrol Officer Jeff Hall, Stephanie Porter-Nichols with Wytheville Enterprise, Agnes Eades, Phillip Johnson, Travis Wilson, Robert Kegley, Chamber Charlie, John Todd, Terry Beamer, Ricky Beamer, A. J. Wolford, Linda St. John, Brad Simpson, Rollie C. Nye, Cameron Nye, Nathan Walters, Tom Smith, Andrew Smith, Ethan Lavallee, Richard Herring, T. J. Elmore

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 Weisiger followed by the Pledge of Allegiance led by the Boy Scouts.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of December 8, 2003, and the request of the Concerned Citizens Network to conduct their Martin Luther King, Jr. Birthday Celebration Parade on Sunday, January 18, 2004, at 2:00 p.m. A motion was made by Vice-Mayor King and seconded by Councilman Crockett to approve the consent agenda consisting of the minutes of the regular meeting of December 8, 2003, and the request of the Concerned Citizens Network to conduct their Martin Luther King, Jr. Birthday Celebration Parade on Sunday, January 18, 2004, at 2:00 p.m. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

RE: PUBLIC HEARING – CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider renewing the Certificate of Public Convenience and Necessity during 2004 for A Class Act Limousine Service, Incorporated for the operation of a public vehicle. He noted he has reviewed the sign up sheets, and he did not see anyone who indicated they would like to address the Council regarding this matter. He inquired if there are persons present who wish to address the Town Council regarding the Certificate of Public Convenience and Necessity. There being none, he declared the public hearing closed.

RE: PUBLIC HEARING – PLANNED UNIT DEVELOPMENT ORDINANCE

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider amending the Town of Wytheville Zoning Ordinance, Section XIX, Planned Unit Development, Subsections 19-5 and 19-15.1 regarding the requirements for a developer to post a bond for the performance of the homeowner's association and maintenance of common open space areas and facilities and the required improvements. He noted that, likewise, he did not see anyone listed on the sign up sheet who would like to address the Council regarding this topic. Mayor Crewe inquired if there are persons present who wish to address the Council regarding the proposed changes to the Zoning Ordinance. There being none, he declared the public hearing closed.

RE: PROCLAMATION – LOCAL CHAMBER OF COMMERCE MONTH

Mayor Crewe stated the next agenda item is the presentation of a proclamation to the Wytheville-Wythe-Bland Chamber of Commerce proclaiming "Local Chamber of Commerce Month." He read the proclamation to those attending the meeting, and stated that February 1-29, 2004, has been proclaimed as Local Chamber of Commerce Month in the Town of Wytheville. Mayor Crewe stated he would like to present this proclamation to the Chamber of Commerce and inquired if Mr. Robert Kegley would like to make any statements. Mr. Kegley advised that on behalf of the Wytheville-Wythe-Bland Chamber of Commerce, he would like to introduce one citizen of Wytheville who is tired of winter, Chamber Charlie. Mayor Crewe noted

that the Council is pleased to meet Chamber Charlie, and proceeded to present the proclamation to him. He stated the Council would like to thank the Chamber of Commerce for everything they do. Mr. Kegley indicated that February 2 is Groundhog Day, and Chamber Charlie, who is a productive citizen of the Town of Wytheville clearing the town sidewalks, will be celebrating on Groundhog Day, and he would like to invite the Town Council to the Wohlfahrt Haus Dinner Theater for a special event starting at 6:30 p.m. He stated that Chamber Charlie has also left with each Council member a packet of information of the Chamber's activities for this year, and he hopes the Council will gain much from reading the information. Mayor Crewe thanked Mr. Kegley and Chamber Charlie for attending the meeting. He also noted that Chamber Charlie was a big success in the Christmas parade, and the Council appreciates his efforts.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period, and Mr. Richard Herring is scheduled to address the Council regarding the effect of parking regulations. Mr. Herring indicated that he wants to thank the Council and then would like to clear up something that may be on the minds of Council. He stated he wants to express his thanks to the Mayor, the Town Council, and the Town Offices, especially Mrs. Rosa Jude, for all the help the Millwald Theater has been given in celebrating the 75th year of the Millwald Theater being in business. Mr. Herring indicated that it has gone infinitely better than he had hoped, and it has been wonderful the way that people have helped them and visited the theater. He stated they are very grateful for this. Mr. Herring indicated he would like to clear up one thought that may be in the minds of the Council members who attended the initial event on November 8. Mr. Herring remarked that it turns out that the Millwald Theater has door prizes that are given away at each show. He explained that all of the door prizes are donated, and, of course, some of the prizes are more valuable than others. Mr. Herring stated he had absolutely nothing to do with causing the first door prize ticket to be for the Mayor's wife. Mayor Crewe interjected that he also had nothing to do with his wife receiving the first door prize ticket. Mr. Herring stated that is correct. He indicated that in all seriousness, he is addressing the Council, and noted he thinks perhaps the Mayor is already aware of this and some of the other Council members, regarding a parking problem. Mr. Herring advised that one of the reasons this is a problem is business owners will park on Main Street and stay there all day, and this is the case of a "bad apple spoiling the whole barrel." He indicated that he has a situation, and it is no secret that they are trying as hard as they can to survive, and one of the ways they are trying to survive is to have additional shows. Mr. Herring remarked that they receive a lot of requests for shows during the day, and because the movies are getting longer, the Millwald Theater cannot have their customers purchase a ticket and come into the theater and watch a movie and be out within two hours. He stated they have had to warn their patrons, if they come during the day, that they are subject to receiving a parking ticket. Mr. Herring indicated that he realizes the parking regulations are in place because of misuse or abuse, and his business is in a unique situation in that his business is the only one he is aware of that, by its very nature, requires its patrons be within that business, hopefully, spending their money, for longer than two hours on occasion. He noted he would appreciate it if the Town Council could give some direction as to how this problem could be resolved so they can have their patrons come, can welcome them to the historic theater, and see that when they leave they do not have a parking ticket. Mayor Crewe thanked Mr. Herring for his comments. He advised he knows both Council Committees have reviewed this situation, and he and Mr. Herring have discussed this many times, and Mr. Herring is correct in that it is the same 10 or 12 people that during the daytime generally receive the tickets because they are the same ones parking over and over again. Mayor Crewe noted he knows the Council is aware of it because they have discussed this, but indicated that one obvious solution presently is to park off of Main Street in the parking lots behind the theater on either side, but that means a person would have to walk one-half block from the back side and one block from the other side. He stated there are some other businesses on Main Street, for example his office, and he frequently has people who are taking depositions, and they are at his office for more than two hours. Mayor Crewe indicated he has the same issue just being across the street from the Millwald Theater that Mr. Herring has, but noted it is probably not on as regular a basis as Mr. Herring has. He stated he does not know if anyone wants to make any comments. Mayor Crewe remarked that the Council has discussed and reviewed this matter, and indicated he will not state that the Council will not make any change in the regulations, but there is no obvious answer the Council has found as to how they can solve all of the problems for all of the businesses on Main Street. Vice-Mayor King stated she thought the Council had, at one time, discussed that when the Millwald Theater has a movie that is going to last over two hours, if Mr. Herring will tell the patrons at the box office that if they do get a ticket because they are at the movies, to contact the Town. She inquired if Council discussed this. Councilman Jones indicated that Council has not discussed this situation. Town Manager Sutherland advised he thinks the Council may have discussed this, but he does not think it was ever approved. Mayor Crewe stated his recollection is, and noted he and Mr. Herring have talked about this, and noted

that for a couple of times, Mr. Herring discussed having a late night show, for example, and that parking at 2:00 a.m. in the morning was an issue. He noted what the Town agreed at that time is no other business is open at 2:00 a.m. in the morning, and The Clinic would be open late but probably not at 2:00 a.m., and the Town could suspend the rules for the parking on the nights that Mr. Herring held special shows. Mayor Crewe explained what he thinks Mr. Herring is discussing, and noted he thinks the big problem is when school is out, for example during the weekdays, and particularly on Saturdays, having the two hour parking regulations on Saturday afternoons when there are a small number of businesses open on Main Street, but the parking signs and the rules state no parking for more than two hours even on Saturday afternoon. Mayor Crewe indicated that on Saturday afternoons and weekdays when Mr. Herring holds matinees are the real problems if he understands correctly. Mr. Herring stated they are holding more and more daytime shows. Mayor Crewe noted all he knows to tell Mr. Herring is the Council will review the situation again, and if anyone has any ideas, the Council will be more than happy to listen to them. He reiterated that no obvious answer has been found as of yet, but noted the Council will continue to try to figure something out. Mayor Crewe stated the Council appreciates Mr. Herring taking the time to attend the meeting and the Council wishes him the best of success and appreciates what he is doing in the downtown.

Mayor Crewe advised that Ms. Linda St. John had indicated that she desired to address the Council regarding the parking issue and inquired if that is connected to the issue with the Millwald Theater. Ms. St. John stated that is correct and noted she will make her remarks brief. Ms. St. John remarked that as everyone is heading into the brand new decade, they look around the town, and the downtown area needs some revitalization. She stated she knows they are going to become more and more focused about what to do with that area, and she would like to thank the Town Council and encourage them to continue to support the Millwald Theater. Ms. St. John pointed out that she sees in the future that the Millwald Theater is going to have to become more creative in order to compete on the same level as the new movie theater that is coming in. She advised she would hate to think that everyone, as townspeople, would not support this historical site. Ms. St. John thanked the Council for listening to her comments. She noted she also has a letter from someone to submit to the Council in support of the Millwald Theater. Mayor Crewe indicated that the letter will become part of the Town Council meeting minutes. Mayor Crewe advised that any member of Council is welcome to view the letter, and it is also supporting the Millwald Theater and its wonderful contributions to the people of this area. He noted the letter is from Ms. Carol Easter, and it is available for anyone who would like to view it, and advised it will be made a part of the meeting minutes. He thanked Ms. St. John for her comments and for attending the meeting.

Mayor Crewe noted the next person who signed up and indicated he would like to speak is Mr. John Todd, and he thanked Mr. Todd for bringing the Boy Scouts and their leaders to the meeting. Mr. Todd stated he would like to thank the Council for permitting the Boy Scouts to attend the meeting, and noted they need to see how the Town operates. He noted his concern is speeding in the town, primarily where he lives in the area of Rolling Hills Drive, Mountain View Drive, Loretto Drive, Fisher Road, etc. Mr. Todd remarked that this area is like a speedway, and the speeding occurs nearly anytime of the day or evening. He stated he walks randomly in this area in the morning and sometimes in the afternoon, and drivers are speeding up and down these streets. Mr. Todd remarked that patrolling the area is not going to do any good, but the police are going to have to set up radar in this area and catch a few of the speeders. He noted that in the Loretto area, there is also speeding, and people use this to go through, and they drive too fast. Mr. Todd advised that one other concern about traffic is on Main Street with all of the stoplights. He explained that if a driver sits at a stoplight and it turns green, and a person has a lot of nerve, they may want to cross the street, but if they have any sense, the person is going to look both ways because nine out of ten times at the stoplights, people run the red lights, and it is getting to be quite a joke. Mr. Todd stated he went to a Lions Club meeting, and one of the Sheriff's Department members brought up this topic and laughed about it. He indicated that he thinks the Council needs to be concerned before someone gets killed in the town. Mayor Crewe stated that the Council appreciates Mr. Todd's concerns, and the Council can try and do some added enforcement, but the problem that Mr. Todd just alluded to is that no one ever speeds or runs a red light when there is a police car sitting there, but it is when a police officer is not around. He noted that catching the violators is a problem. Mayor Crewe noted the Council appreciates Mr. Todd heightening their awareness of this problem. Councilman Crockett remarked that he thinks drivers are not only speeding on the streets in Mr. Todd's area, but the speeding seems to be a prevalent problem throughout town. He noted that he knows speeding is a problem on 12th Street near where he lives as well as on various other streets. Councilman Crockett noted he passed someone today in front of the Town Office that he knows was traveling well over the speed limit. He reiterated that speeding seems to be a prevailing problem not only in the Town of Wytheville, but from the articles he has read and the people he has talked to, it seems to be a problem in almost every community. Councilman Crockett advised he does not know what the answer is to this problem, but noted he has talked

to the police officers, and they tell him no matter what the speed limit is set at, the traffic will be moving anywhere from five to fifteen miles per hour faster than whatever the prevailing posted sign states. He noted he thinks this is particularly true on interstates, and that it is higher. Councilman Crockett remarked that the Council can look at this particular area, but it is all over town, and it seems to be, as he has stated previously, prevalent in almost every community of the people he has talked to. He stated he wished he had an answer for slowing up the traffic because it becomes more and more dangerous everyday. Councilman Crockett pointed out that people need to realize the danger and start slowing down on their own. He noted the Town police officers can issue tickets, monitor the traffic, and set up radar at various places, which the Town has done, but it does not seem to answer the question for any length of time. Mayor Crewe remarked that he can share with everyone that on Friday he was in General District Court, and there were two cases of where someone was convicted of speeding more than 20 miles per hour over the speed limit, which is reckless driving. He noted in a 25 MPH zone, this would be 45 miles per hour, and at 46 miles per hour, it is in excess of 20 miles per hour, and reiterated that there were two such cases in court on Friday that were convicted. Mayor Crewe stated it is not unheard of, but Councilman Crockett is correct in that the drivers do not seem to be speeding when the Town has radar set up. He noted that as Councilman Crockett stated, the Town can use a little stealth and see what can be done. He thanked Mr. Todd for his comments.

Mayor Crewe advised that in viewing the sign up sheets, these were the only individuals who indicated they desired to address Council. He inquired if there are others who wish to address Council during Citizens' Period. Mayor Crewe explained to the Boy Scouts, in particular, since they do not attend Council meetings very often, that every time the Council holds a meeting, they have a Citizens' Period so anyone who wishes can address the Council about anything they desire. He noted if the Boy Scouts have a problem of something they think the Town Council should review, they should not hesitate to attend a meeting and address the Council regarding the matter so the Council can find out about it in case it is something they do not know about, and they can try to address the issue.

Mr. Rollie C. Nye was recognized and stated this idea will probably not be considered, but he was wondering if the Millwald Theater, on special shows where it is going to be more than two hours, could have a pass, etc., and they could put the date on it so it could not be reused, and then the patrons could possibly place it under their windshield wiper. Mayor Crewe indicated that this is a suggestion the Council has considered, but the problem with this is how the Town can constitutionally pick out one business to treat it differently than all of the other businesses. Mr. Nye advised that he understands. Mayor Crewe explained that there are some constraints regarding this, and noted the Council has not given up on this idea, but it is an idea the Council has discussed. He noted that Mr. Nye had the same idea as the Council. Mayor Crewe indicated that this idea has not come to fruition, but it may. He thanked Mr. Nye for his suggestion. Mr. Nye advised that the Town could also place speed bumps around town, and this would slow traffic. Mayor Crewe noted that the Town has previously done this, but the problem with the speed bumps is when the first snowstorm arrives, the Town plows them up. He reiterated that the speed bumps could be installed, but they are problematic as well.

Mayor Crewe inquired if there are others who wish to address Council during Citizens' Period. Reverend Brad Simpson was recognized, and Mayor Crewe thanked him for attending the meeting. Reverend Simpson indicated that he is happy to be attending the meeting with the Boy Scouts, and stated he thought it might be helpful to explain to the Town Council that these Scouts are attending the meeting, as Mr. Todd has stated, to see how the Town government works, but it is also in fulfillment of requirements for two different merit badges—the Citizenship Badge and the Community Merit Badge. He noted these badges have a requirement that the Scouts attend some type of a board type meeting to see how the community works. Reverend Simpson remarked that interestingly, the Scouts are now finishing their Communications Merit Badge, and he thinks that as part of that requirement, they are to attend a board meeting, and so they will be observing the way the Town Council communicates with each other and how this communication leads to decisions. Reverend Simpson advised he wanted to thank the Town Council for allowing the Scouts to be a part of this meeting as part of the Communications Merit Badge, and he is happy the Scouts have attended this meeting. He thanked the Council for allowing the Scouts to see how the Council members communicate to get things done. Mayor Crewe thanked Reverend Simpson for his explanation, and advised that the Council is glad to have the Scouts attending the meeting. He noted it may be helpful for the Boy Scouts to know that the Council has two standing committees which consist of the Budget and Finance Committee, which is comprised of Vice-Mayor King and Councilman John Jones who are seated to his left and the Scouts' right, and the Public Works Committee, which is comprised of Councilmen Weisiger and Crockett, who are seated to his right and the Scouts' left. He noted that the Public Works Committee meets on Tuesday mornings at 7:00 a.m., and the Budget and Finance Committee meets on Thursday mornings at 7:00 a.m. Mayor Crewe explained that some of the topics the Scouts will see on the meeting agenda have been discussed by the

Council Committees before this meeting. He remarked that the Committee meetings are open to the public, and, occasionally, there will be someone who will come to the meetings at 7:00 a.m. Mayor Crewe indicated that the Committees meet in the mornings so everyone can then go to work and proceed with their day, and that is the reason the meetings are at 7:00 a.m. He advised that the Council Committees generally meet every week, and noted they took some time off from the meetings during Christmas. Mayor Crewe stated each Committee receives the reports and minutes from the other Committee so everyone knows what the other Committee is doing. He remarked that, of course, as the Scouts will see later in the meeting, each Committee will report what they have done and make recommendations to the Council to do things. Mayor Crewe summarized that there are two Committee meetings per week, and then the Town Council meets the second and fourth Mondays of each month. He noted the Town also has an arrangement with the Wythe County Board of Supervisors and the Town of Rural Retreat that on the fifth Monday of each quarter, when there is a fifth Monday in the month, all three governing bodies meet together in a Joint Governing Bodies meeting, so there is in one place the Town Councils of Wytheville and Rural Retreat and the Wythe County Board of Supervisors, and they all meet together. Mayor Crewe indicated that if the Boy Scouts ever had anything they would like to bring to the Town Council's attention, he maintains office hours as Mayor one-half hour before each Council meeting at 6:30 p.m., and noted his office is across the hall from the Council Chambers. He reiterated that he is in his office at 6:30 p.m. for anyone who desires to come in and discuss any issues with him before the Town Council meeting. Mayor Crewe noted he is available at other times by appointment, but he routinely has these office hours open for people who would like to meet with him. He advised that as a part of the Boy Scouts' Communication Badge, there are lots of ways they can let things be known to the Town. Mayor Crewe indicated that if the Scouts have not done this, and noted since the Scouts are Internet savvy, they need to review the Town of Wytheville web page. He noted the Scouts can find out a lot about what goes on in the Town by reviewing the web page, and they will soon see these minutes with their names listed that they attended the meeting, and this is why the Council asks people to approach the podium and use the microphone so the minutes will be accurate. Mayor Crewe explained that when the Scouts arrived and signed the sign up sheets, this is the Council's way of ensuring who attended the meeting, and the Scouts will be reflected in the minutes as having attended this meeting, and in a few weeks when the minutes are placed on the web page, the Scouts will be able to go on the web and read the Town Council minutes and see when they were at this meeting. Mayor Crewe noted that the minutes will be around forever, and they will be preserved. He stated that people can also check zoning questions and things like this on the web page if they desired. Mayor Crewe reiterated that if the Scouts have not visited the Town's web page, he would encourage them to do so to see what is going on. He indicated that this is another way the Town tries to communicate. Mayor Crewe thanked the Boy Scouts for attending the meeting.

Mayor Crewe inquired if there are others who wish 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. Tomorrow, the Crossroads Regional Industrial Facility Authority will be meeting. The meeting this time will be held at the new Joint Industrial Development Authority's office on First Street. Later this week, the New River Regional Water Authority will meet on January 15, 2004, at 1:30 p.m., and later that afternoon, the Virginia Department of Transportation is having a session to receive public comments on the I-81 corridor study. Town Manager Sutherland advised that he plans to attend the VDOT meeting. Next Monday is a legal holiday, and the offices will be closed. On January 21, the Wytheville Industrial Development Authority will have its annual reorganization meeting.
2. During the month of December, the Committees saw and reviewed the request of the Agape Food Pantry and the HOPE Ministry Center for donations to their organizations equaling their real estate taxes. The value of the Agape Food Pantry taxes is \$76.95, and the value of the HOPE Ministry Center taxes is approximately \$421.00. Town Manager Sutherland advised that if he understood, both Committees have agreed with making these donations as requested. If the Council still feels this way, it will be necessary for the Council to take action for Town staff to proceed with these donations. Mayor Crewe remarked that he knows both Committees have reviewed these requests, and he believes the Agape Food Pantry and the HOPE Ministry Center asked to waive the real estate assessed taxes, and the Town Council does not have the authority to waive these taxes without going through an act of the legislature. He explained what the Town Council has done in the past is make a contribution equal to the amount of the taxes. Mayor Crewe advised if this is what the Council would like to do, he would

entertain a motion that the Town Council make a donation to the Agape Food Pantry and to the HOPE Ministry Center equal to the real estate taxes that would be assessed by the Town. A motion was made by Councilman Crockett and seconded by Vice-Mayor King to make a donation to the Agape Food Pantry in the amount of \$76.95, and to make a donation to the HOPE Ministry Center for approximately \$421.00. 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: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, stated that several years ago, state law was amended with regard to the local collection of utility taxes on electricity and natural gas services. He noted these revisions were the result of deregulation of these two utilities. Councilman Jones advised that the Virginia Municipal League provided a model document for communities to amend their codes to reflect these new statewide changes. He advised that like other communities, the Town adopted this code, which amended local provisions concerning the collection of utility tax on electricity and natural gas. Councilman Jones stated that this model code, however, did not address the local utility tax on telephones. He remarked that the Town's Code, with regard to the collection of the utility tax on telephones, was not repealed when that ordinance was enacted, but the provisions for the collection of that tax were not codified into the Town's Code. Councilman Jones stated, therefore, later in the meeting, the Council will consider the adoption of an ordinance that will insert the provisions for the collection of the utility tax on telephones into the appropriate section of the Town's Code. He indicated that this action is merely housekeeping in nature. Councilman Jones advised that as such, when the ordinance is considered, the Committee would recommend that the rules be suspended and the ordinance be adopted on first and final reading.

Councilman Jones also reported that in mid-October, the Town had a groundbreaking ceremony for the new Community Center. He stated that since that time, the Town has had a number of citizens inquire about the time schedules associated with the construction of the new facilities. Councilman Jones remarked that the Town's architectural firm, Worley Associates, has provided the Town with their best estimates of when various milestones will occur. He indicated that at this point, it appears all of the construction documents will be available for the Town's review by mid-February, during which time the Town will have about one month to make comments or revisions. Councilman Jones remarked that it is anticipated that bids could be received by mid-April and construction could commence by the end of May. He noted that given the size of this project, it will take slightly over a year to construct with substantial completion of the construction occurring in late June of 2005. Councilman Jones stated assuming that the project will proceed on schedule, the new facilities should be ready to be occupied by late summer or early fall of 2005. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Crockett, reporting for the Public Works Committee, stated that recently, the Committee reviewed preliminary plans from a developer for a new 80-unit apartment complex and 16 townhouse units within the Pleasant View Subdivision. He noted the Pleasant View Subdivision is located north and west of Cassell Road. Councilman Crockett advised that also, in the last month, the Town has met with the Wytheville Redevelopment and Housing Authority concerning their plans to construct about 20 apartment units on a parcel of land on Cassell Road that is in proximity to the Pleasant View Subdivision. He stated that between the two projects, approximately 120 new dwelling units will be created. Councilman Crockett advised that currently, the water system serving the Cassell Road area is not capable of providing water flow and pressures that will be needed to accommodate these additional units. He noted that as such, the Committee has asked the Town's consulting engineer, Mr. Elvan Peed, to evaluate the situation and to make recommendations concerning improvements that would correct the situation. Councilman Crockett explained that the engineering report indicates the installation of approximately 460 feet of 6-inch line from the Pleasant View Subdivision to the line serving Longview Apartment Complex would improve the situation somewhat. He noted the engineering report goes on to say that approximately 1,400 feet of 8-inch line are needed from the point near the Longview Apartment Complex back to Main Street. Councilman Crockett advised that potentially, this section of line could follow the southwest boundary of the Community College and would not require the disturbing of any streets or pavement. He stated the Committee is continuing to study these possibilities and will be seeking cost estimates and other information needed to make a decision. Councilman Crockett noted that, hopefully, the Town will be in a position to make a recommendation to the Council by their next meeting.

Councilman Crockett also reported that last month, the Committee reported to the Council about certain improvements on East Main Street that were under consideration. He stated that as the Council may recall, these improvements included the widening of East Main Street from Eleventh Street to a point near the Smoker's Friend, with the potential for adding a left-turn lane on Main Street at Eleventh Street, and the relocation of the traffic signal from the Acme shopping center to the Community College entrance. Councilman Crockett advised that the Town has now received quotations on performing the traffic signal work. He explained the cost of the traffic signal work at Eleventh and Main Streets is approximately \$25,000. Councilman Crockett noted the cost of relocating the traffic signal from Acme to the Community College entrance is approximately \$17,000. He stated the Committee would note that this relocation is slightly more complicated than the Committee had first thought because of the misalignment of Withers Lane and the Community College road. Councilman Crockett advised that the Committee is continuing to look at alternatives as to how this misalignment can be accommodated. He noted that in any event, the Committee thinks it is worthwhile to proceed with the installation of the section of curb and gutter on East Main Street from Eleventh Street to a point near Smoker's Friend. Councilman Crockett stated that unless the Council disagrees, the Committee will ask the Public Works forces to proceed with this section of curb and gutter construction. Mayor Crewe noted the Town has had this marked off with painted lines on the surface for approximately two months and inquired if the Town has heard anything from anyone. Town Manager Sutherland indicated that he has not heard anything from anyone. He stated that he does not know if Assistant Town Manager Moore has heard from any citizen. Assistant Town Manager Moore advised that he, likewise, has not heard any comments from any citizens. Mayor Crewe noted if any of the Council members disagree, they should express their opinion. Councilman Jones stated he disagrees. He explained he thinks the traffic signal for the College is definitely something the Town needs to get done by the early part of the summer of 2005. Councilman Jones noted he feels, and noted he and Councilman Crockett have discussed this, that he does not think the Town needs to spend \$25,000 to install a left-turn lane at East Main Street and Eleventh Street, but he agrees with Councilman Crockett that the Town needs to install a center turn lane up to the entrance of the Auto Zone, and this way, the Town will have all of the businesses along this area with a center turn lane so people can turn into the businesses, and noted the center turn lane is not available past where the video store used to be. Councilman Jones remarked that to him, this would be his recommendation with respect to the center lane. Mayor Crewe noted he will attempt to interpret the difference that the \$25,000 figure on the signal at Eleventh Street and Main Street would be necessitated by the realignment of the curb and guttering and inquired if that is correct. Town Manager Sutherland indicated that is correct only if the Town is going to create a turn lane. He noted if the Town did not create the turn lane, the Town would not have to do anything to the signal. Mayor Crewe advised that the \$25,000 for the turn signal would not be spent unless the Town changes the traffic pattern. He stated the \$25,000 price tag is the signalization cost not including the curb and guttering, the repainting, etc. to install the third turning lane. He explained that once the curb and guttering is installed, if he understands the Public Works Committee's report, it gives enough room to install the center turn lane. Councilman Crockett stated that is correct. Town Manager Sutherland remarked that is correct and noted the road could be painted so the center turn lane does not really exist. Councilman Jones indicated what he is suggesting is to not bring the center turn lane all of the way to the intersection of Eleventh and Main Streets, but to only construct the center turn lane far enough to allow for turning into the Auto Zone. Mayor Crewe indicated that he was going the other way and noted that Councilman Jones is suggesting to bring the center lane from the interstate towards the signal and stop short of the signal at Eleventh and Main Streets. Councilman Jones stated that is correct. Town Manager Sutherland stated the curb and gutter could be taken all of the way to Eleventh Street. Councilman Jones advised that is correct if the Council desired to do this, but indicated he is unsure the Council would have to do this. Councilman Crockett noted he thinks this would help, and advised they just talked about this because he thinks it would help the area, tremendously widening this jog. He stated that further down is an accident waiting to happen, and this was one of the keys to it, and then also giving access to the businesses along there, enabling people to make a turn. Councilman Crockett noted that when a driver gets almost to Eleventh Street at the Auto Zone, the person is almost at the intersection. He stated merging traffic at that point into two lanes, to him, seems to create a hazard. Councilman Crockett indicated that the Council may leave the signals such that cars could go through and make left turns the way they are currently, as far as this part goes, or they could go straight through the center lane, and noted it is not necessarily a center lane but a middle lane, and go through the light as the vehicles are currently. Mayor Crewe indicated that he thinks the Council is discussing two pieces to the same situation. He remarked that he thinks he hears Councilman Jones objecting only to one piece of the situation. Councilman Jones indicated that if Councilman Crockett would like to do what he just stated and not expend the \$25,000, he does not have a problem with this. Mayor Crewe stated the Council is discussing the \$25,000 plus the cost of the curb and guttering and whatever the painting on the street is. Councilman Jones pointed out that he is not objecting to the curb and gutter, but noted he is objecting to spending the \$25,000. Mayor Crewe explained that the curb and gutter

would widen the intersection so it would, as Councilman Crockett has stated, take out the jog. He noted this is part of the project, and he does not hear any objection to this part. Mayor Crewe stated the objection is to the rewiring and replacing the signalization to accommodate a left hand turn all of the way up to the intersection, and this is what he thinks he hears Councilman Jones stating he objects to. He noted he does not know where this leaves the Council except that he hears agreement to proceed with the section of curb and guttering and possibly the Public Works Committee desires to review again where the lines would come out before the Town spends any money on signalization. He noted that paying for this project would be a Budget and Finance Committee issue and planning it is a Public Works Committee issue. Mayor Crewe indicated that possibly the thing to do to resolve this issue is to go ahead, if the Council is stating they agree with the curb and guttering, and do this, and review again what signalization is required. He inquired if this is a possible agreement. It was noted that is agreeable. Mayor Crewe noted that since it is coming from a Committee, he will divide it into two sections. A motion was made by Councilman Crockett and seconded by Councilman Jones that the Council proceed with the installation of curb and guttering on East Main Street as specified in the Committee report which is from Eleventh Street to a point near Smoker's Friend. Mayor Crewe inquired if there is any further discussion on the curb and guttering. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None. Mayor Crewe advised that the installation of the curb and gutter will proceed. He remarked that what he thinks the Committee is stating is they will review the matter again before the Council takes any action on the remainder of the Committee report regarding signalization. Councilmen Crockett and Weisiger advised that is correct. Town Manager Sutherland advised that some decisions are going to have to be made on a couple of the signalization issues. Councilman Jones remarked that as Councilman Crockett just stated, if the Town installs the center lane and does not have to change the signals, and a person can turn left on Eleventh Street when no traffic is coming, there is nothing wrong with that. Mayor Crewe inquired if he is interpreting correctly that the Committee is going to withdraw the portion of their motion on the signalization. Councilman Weisiger stated that is correct that the Committee will withdraw that portion of the motion. Councilman Jones pointed out he thinks, after the discussion, it is going to cost a lot more money for the signalization at the College than the Town was initially thinking. Town Manager Sutherland advised that is correct and noted there are implications and problems with the \$17,000 to change the signalization, and it is going to cost more money. Councilman Jones remarked that this signalization needs to be installed at the College entrance because once the Community Center opens, there will be more traffic. He explained that currently, there is only one way in and out of the property. Councilman Crockett stated the traffic at this location has been a tremendous problem regardless of whether the Town would be having a community center at this location. Councilman Jones stated he agreed. Councilman Crockett remarked that when College students try to get out of this location, particularly trying to make a left turn out of the College, it is nearly impossible. Mayor Crewe noted so it will make sense to those attending the meeting, and not having the benefit of the Committees' reports earlier, the Town is reviewing trying to do a couple of things at the Community College, but, obviously, when the Town gets the new Community Center built, they are anticipating heavier traffic. He explained that the Town is considering installing a traffic light at the Community College entrance. Mayor Crewe indicated that one of the issues, but not the only issue by any means, is if a traffic signal light is installed at the Community College entrance road, the stop bars painted on the pavement, and noted it is the big white bars where the front end of a car would have to stop, cannot be but so many feet from the signal. He stated this would put the stop bar on the eastbound Main Street traffic just about center on Withers Lane that comes out beside Hardee's. Mayor Crewe noted this would be solving a problem on Main Street and causing a problem on Withers Lane. He stated they are trying to juggle this, and noted the \$17,000 signal does not include putting in the photoelectric sensors, cameras, and this type of equipment. Mayor Crewe remarked that the alignment is the real issue because those intersections are not exactly square, so this is why this turns out to be more problematic. He stated that by the Council taking action on part of the Committee report, and the Committee withdrawing the other portion of their motion, he thinks the Council has solved part of what the Committee stated in their report. Mayor Crewe inquired if there is anything additional from the Public Works Committee. Councilman Crockett stated he might add in addition to Mayor Crewe's comments that Withers Lane has been one of the higher accident rate intersections coming off of Withers Lane with the study that recently the Town staff conducted. He noted that, hopefully, if the Town can get this traffic signal relocated, it will help solve some of this problem. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: ORDINANCE NO. 1165 – TAX ON UTILITY SERVICE

Mayor Crewe presented Ordinance No. 1165, an ordinance amending and reenacting Chapter 14, Taxation, Article III, Tax on Utility Service, Section 14-34, Minimum Amounts Taxable for

Utility Services, of the Code of the Town of Wytheville, Virginia, on first reading. He noted this is the ordinance that was reported on by the Budget and Finance Committee that amends the Town Code regarding the minimum taxable amounts for utility services, specifically to amend the portion regarding the telephone utility tax. A motion was made by Councilman Jones and seconded by Vice-Mayor King to suspend the rules and adopt Ordinance No. 1165, an ordinance amending and reenacting Chapter 14, Taxation, Article III, Tax on Utility Service, Section 14-34, Minimum Amounts Taxable for Utility Services, of the Code of the Town of Wytheville, Virginia, on first and final reading. Mayor Crewe noted that, again, for the Merit Badge purposes, what the Council usually does when they approve an ordinance is it would go through three readings at three separate, consecutive meetings to be passed on first, second, and then third and final reading. He explained the motion from the Budget and Finance Committee is to avoid and do away with the normal procedure, and adopt the ordinance on first and final reading. Mayor Crewe noted the motion on the floor is to adopt Ordinance No. 1165 on first and final reading. He inquired if there is any discussion on the motion. There being none, he noted this will be a voice vote on an ordinance. Mayor Crewe explained that the Town procedures also require, and noted that the Scouts will notice that all of the other votes the Council has taken were a voice vote of yea and nay, that the Council take a roll call vote on ordinances. 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. 1165 was adopted on first and final reading.

RE: ORDINANCE NO. 1166 – PLANNED UNIT DEVELOPMENT ORDINANCE

Mayor Crewe presented Ordinance No. 1166, an ordinance amending and reenacting Ordinance No. 640, the Town of Wytheville Zoning Ordinance, Section XIX, Planned Unit Development, Subsections 19-5 and 19-15.1, on first reading. He noted this ordinance amends the Zoning Ordinance in regard to planned unit developments. Mayor Crewe stated this comes as a recommendation from the Planning Commission. He advised that the Planning Commission has conducted their public hearing and made a suggestion for these changes regarding the amount of bond required to be posted for planned unit developments. Mayor Crewe remarked that this ordinance is also recommended from the Budget and Finance Committee to be adopted on first and final reading and inquired if that is correct. Councilman Jones stated that is correct. A motion was made by Councilman Jones and seconded by Vice-Mayor King to suspend the rules and adopt Ordinance No. 1166, an ordinance amending and reenacting Ordinance No. 640, the Town of Wytheville Zoning Ordinance, Section XIX, Planned Unit Development, Subsections 19-5 and 19-15.1, on first and final reading. Mayor Crewe remarked that the motion from the Budget and Finance Committee is to suspend the rules and adopt Ordinance No. 1166 on first and final reading, so the ordinance would be effective upon its passage. He inquired if there is any discussion on the motion. Councilman Crockett stated on the last sentence on Section 19-15.1 the Town speaks of “until such time as the developer no longer has an interest in the association.” He inquired if from a legal stand or a legal term if Town Attorney Kaase would define what this is as far as “no longer having an interest.” Councilman Crockett inquired if this means the developer has completed the project, and inquired as to what happens if the developer should, and noted he assumes this covers it, go bankrupt. Town Manager Sutherland noted the wording could state “financial interest.” Mayor Crewe remarked that he would suggest the wording of “ownership interest.” Town Manager Sutherland noted that “ownership interest” is better wording. Mayor Crewe indicated that “right, title, and interest” is the legal wording, and noted he will defer to Town Attorney Kaase, but when the Town is talking about the developer no longer having an interest, it would mean that the owner or developer had either sold or otherwise disposed of all of the right of interest that he, she, or the corporation had in the property. He explained that in other words, it has all been sold, has been developed, and the developer is gone. Mayor Crewe stated if there is one lot, one parcel, etc. that had not been sold, the developer would still have an interest in the property. He inquired if this is the way Town Attorney Kaase would interpret this. Town Attorney Kaase stated he thinks the addition of ownership is appropriate. Councilman Crockett advised he did not want to belabor the point, but if the developer sells his interest in the property at some point if he is to assume that this security bond still remains in effect. Councilman Weisiger stated he would think so. Councilman Jones stated the new owner would have to provide a security bond. Councilman Crockett inquired if these revisions state a new owner has to provide a security bond. Mayor Crewe stated this is the point he is trying to figure out. He remarked that

what these revisions state is if the developer sells all of the property, the bond and the surety go away, and there is no more protection. Mayor Crewe explained that after this, any problems would be those of the new owner, the purchaser, or however the new owner came to be, and it could be a deed of gift. He continued that the developer would not be required to have a bond once the developer sells any interest in the property or otherwise disposes of any ownership interest in the property. Mayor Crewe noted that at that point, the bond would go away. He stated that when the planned unit development is approved, there has to be restrictions and covenants approved by the Town and recorded at the Courthouse, and all subsequent owners would be bound by those covenants, and explained this would be the mechanism by which the Town would enforce whatever needs to be enforced by way of the homeowners' association. Councilman Crockett stated that getting back to his point, he noted if the bond does not by some mechanism under this follow the ownership the property could change hands two or three times, and, for example, the third owner could go broke, and the property owner would still have the same problem he thinks the Council is trying to correct and inquired if he is missing something. Mayor Crewe stated he thinks that Councilman Crockett is correct, and noted the issue would be that as long as the original developer has the property, the Town would have a bond, and the Town would not let the developer eliminate the bond until it is all sold. He noted he thinks that is the theory, and noted he was not at the Planning Commission meeting but his assumption would be if it is sold, then it is a successful development and everything is going well. Mayor Crewe stated if the development is falling apart and there is one or more pieces of property that has not been sold, the bond would still be in effect and the Town has some protection. Town Attorney Kaase stated the bond could remain in effect so long as it remains in a developmental or partially developmental stage. Mayor Crewe noted this would address what Councilman Crockett is stating which is the bond will remain in effect until it is completely developed. Councilman Crockett stated he thinks the Town is going to have to do this by some means or another to ensure protection. He noted the fact that if the development goes through two or three ownerships, the people have the same problem the Town is trying to correct. Councilman Crockett reiterated he thinks the Town is going to have to one way or another come up with some wording to carry through the security bond to ensure this does not happen. Town Attorney Kaase inquired of Councilman Crockett if he is proposing that if the property stays in a developmental stage, and if it goes from Developer A to Developer B, then the Town is going to state that a bond requirement shall remain. He explained that the bond is personal to the developer, so one developer's bond requirement will be retired, but the developer that purchased the property from the first developer will be required to have a bond in his or its own right. Town Attorney Kaase advised he believes this is what is being discussed. Councilman Crockett noted that is acceptable and the bond would remain in effect until such time that the project is completed. Town Attorney Kaase stated that is correct, and if all of the property has been sold to individual owners, then the property is no longer in a development stage. Councilman Crockett inquired as to how the Council can word this so the bond continues. Town Attorney Kaase inquired if Councilman Crockett would like for him to answer this question in two weeks. Councilman Crockett stated that Town Attorney Kaase may answer the question at this meeting or two weeks from now. Councilman Jones noted he thinks this has already been stated, and inquired of Assistant Town Manager Moore if that is correct, with the fact that the new developer still has the requirements that are placed on whomever is the original developer. Town Attorney Kaase advised he thinks Councilman Jones is correct. Mayor Crewe explained that once a planned unit development is approved, that plan has to be carried out by whoever develops the property, whether it is a subsequent developer or not. Councilman Jones remarked that even if the second developer does not change the development, he still has the requirement that he has to provide a bond until that development is finished. Mayor Crewe noted that the first developer would no longer be required to post a bond because the second developer would have to provide the bond, and noted that is what these revisions are addressing. Councilman Jones stated that is correct and advised if the development goes to a third developer, the same thing would apply. He noted a bond is going to be provided until the development is finished. Councilman Crockett inquired if this is what the Town's ordinance states. Town Attorney Kaase remarked that he believes this is correct. Mayor Crewe indicated that the Council is only viewing one small portion of the ordinance. Town Attorney Kaase stated, if the Council desired, he could go back and review the entire ordinance and report back to the Council. Councilman Crockett advised he would feel more comfortable if Town Attorney Kaase reviewed the entire ordinance. Town Attorney Kaase indicated that he thinks Councilman Jones is correct. Mayor Crewe stated this leaves the Council with two options of either withdrawing or not passing the motion to approve this ordinance and amending the ordinance and then tabling the ordinance and taking it up at the next Council meeting, or adopting this ordinance and then adopting another ordinance if needed at the next meeting. Councilman Crockett stated the Council would have to hold another public hearing to consider this matter and inquired if that is correct. Councilman Jones indicated that is correct unless the Council tables the matter. Mayor Crewe noted that is correct unless there is something else that needs to be amended in the ordinance. Councilman Crockett inquired if there is an option of tabling this ordinance until Town Attorney Kaase can review the ordinance. Mayor Crewe indicated that he believes this is an

option. A motion was made by Councilman Crockett and seconded by Councilman Jones to table Ordinance No. 1166, an ordinance amending and reenacting Ordinance No. 640, the Town of Wytheville Zoning Ordinance, Section XIX, Planned Unit Development, Subsections 19-5 and 19-15.1, until the next meeting of Council to be held on January 26, 2004. Mayor Crewe indicated that now, the Council is voting on the motion to table the motion to approve the ordinance. He explained that the motion on the floor on which the Council is about to vote is a motion to table Ordinance No. 1166 until the next Council meeting. He inquired if there is any other discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition.

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

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1166 was tabled until the January 26, 2004, meeting of the Town Council. Mayor Crewe noted the ordinance will automatically be reconsidered at the next meeting.

RE: CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Mayor Crewe stated the next agenda item is to consider renewing the Certificate of Public Convenience and Necessity during 2004 for A Class Act Limousine Service, Incorporated for the operation of a public vehicle. He noted that by way of explanation, State law requires that anyone who is operating a public vehicle in the town limits to have Town approval. Mayor Crewe explained that the Town has to first certify that there is, in fact, a need for a Certificate of Public Convenience and Necessity, and noted this covers taxicabs, ambulances, etc. He remarked that under the Town's ordinance, in order to do this, the Town has to have the vehicles inspected by the Police Department to ensure they are serviceable and in proper condition. Mayor Crewe noted there is also a requirement that the company has to carry minimum amounts of insurance to cover the vehicles, and this has, in fact, been done in this case. A motion was made by Councilman Jones and seconded by Councilman Crockett to renew the Certificate of Public Convenience and Necessity during 2004 for A Class Act Limousine Service, Incorporated for the operation of a public vehicle. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

RE: RESOLUTION, CODE OF CONDUCT – MUSEUM PROJECT

Mayor Crewe stated the next agenda item is the adoption of a resolution and Code of Conduct in conjunction with the Rural Development grant for the Museum Project. He remarked that as the Council will recall, this is required by Rural Development to complete the paperwork for the grant for the Museum Project in the amount of \$27,500. He noted the Council has a copy of the resolution in front of them that basically states the Town Manager is authorized to sign the necessary paperwork to obtain the financial service. A motion was made by Councilman Jones and seconded by Councilman Weisiger to adopt the resolution in conjunction with the Rural Development grant for the Museum Project. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

Mayor Crewe stated the backside of the page, which requires a second motion, is the Code of Conduct that is a part of the same thing, and the Council has to certify that the Town is not going to be doing anything that would cause a conflict of interest and that nothing of monetary value is being paid to the Town by the contractors, potential contractors, etc. A motion was made by Councilman Jones and seconded by Councilman Weisiger to adopt the Code of Conduct in conjunction with the Rural Development grant for the Museum Project. 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: PLANNING COMMISSION RECOMMENDATION – NONCONFORMING STRUCTURES IN OLDER NEIGHBORHOODS

Mayor Crewe stated the next agenda item is the consideration of the recommendation from the Planning Commission regarding amending the Town of Wytheville Zoning Ordinance, Article VII-Residential District R-2, and Article VIII-Residential District R-3 to include an amended side yard setback for nonconforming structures on developed lots platted prior to 1969 in R-2 Residential and R-3 Residential Zoning Districts. He explained this would allow for the relaxation of property lines for property that was developed or platted prior to 1969. Mayor Crewe remarked that these proposed revisions would require the Town Council to conduct a public hearing. He indicated that the public hearing can be scheduled for February 9, 2004, at 7:00 p.m. and meet the required advertising. He inquired if there is any objection to scheduling the public hearing for February 9, 2004. There being no objection, it was the consensus of the Town Council to schedule a public hearing for the February 9, 2004, Council meeting to consider amending the Town of Wytheville Zoning Ordinance, Article VII-Residential District R-2, and Article VIII-Residential District R-3 to include an amended side yard setback for nonconforming structures on developed lots platted prior to 1969 in R-2 Residential and R-3 Residential Zoning Districts.

RE: COUNCILMAN CHARLES CROCKETT

Councilman Crockett stated that for the last several months, he has gone through right much thought about whether to seek another term on Town Council. He noted that to him, it has been a very hard decision to make. Councilman Crockett remarked that he has enjoyed the time he has spent on Council and noted he appreciates all of the faith the citizens have put in him. He noted in many cases, the citizens have been very complimentary, which he appreciated. Councilman Crockett advised he thinks it is time to step down and not run for reelection. He reiterated that as he has previously stated, it has been a very, very hard decision to make because he has enjoyed it. Councilman Crockett noted he feels that he has made contributions, but, of course, with making contributions, it takes all of the Council to make things happen. He pointed out that no one person makes things happen without the consent and approval of other Council members. Councilman Crockett advised he thinks the Council has made a great deal of progress in the last eight years, and noted that many things have happened in the town over the past eight years. Councilman Crockett stated that there has been a number of ordinances the Council has passed, a number of projects that have come into existence, the Council has increased the employment, and noted the Council has been a part of a lot of things that are happening. He stated he feels a part of that as well as, obviously, other Council members. He stated he feels it is time after eight years to step down and, hopefully, someone will come into the town, a younger person with a lot of enthusiasm. Councilman Crockett noted he appreciates, again, the citizens' support. He stated he appreciates the Town staff's support, and noted the Town employees have been wonderful and advised he thinks the employees do a wonderful job for the town, and he is certainly grateful for all of this. Councilman Crockett indicated he is also grateful to his wife for putting up with all of this. He noted he appreciates the opportunity to have served the citizens for eight years. Mayor Crewe stated he knows he speaks for all of Council, staff, and employees when he states that they very much appreciate Councilman Crockett's service. He remarked that Councilman Crockett has contributed, and noted he will be sorely missed. Mayor Crewe advised that he appreciates Councilman Crockett letting the Council know his intentions, and noted that Councilman Crockett will be badly missed on Town Council. He advised that the Town Council appreciates all of Councilman Crockett's efforts and they wish him well.

Councilman Jones stated he would like to add that he and Councilman Crockett have been at "loggerheads" at times. He noted that sometimes he thinks Councilman Crockett has been on the short end of the 4-1 vote, and sometimes he has been on the short end of the 4-1 vote. Councilman Jones indicated that he would state he has always respected Councilman Crockett because he knows he has put his effort into it and thought a lot about what he brought forth. He stated that regardless of whether he and Councilman Crockett disagreed, he respected him for his thinking and what he was trying to do because he knows that Councilman Crockett did have the best interest of the Town in his thinking, and it was not for any personal gain. Councilman Jones advised he has mixed emotions, but if Councilman Crockett would reconsider, he would, certainly, not be upset. Councilman Crockett thanked Councilman Jones for his comments.

Vice-Mayor King indicated she thinks they have been a Council that has worked well together. She remarked that as she has told Councilman Crockett in the past, they have disagreed, but they stayed friends, and to her, this is the main thing. Vice-Mayor King stated that no one on Council ever stays mad at each other. She pointed out that everyone has the right to their opinion. Mayor Crewe stated the Town Council will miss Councilman Crockett and they wish him well. Vice-Mayor King noted that possibly Councilman Crockett will change his mind. Mayor Crewe advised that possibly Councilman Crockett will change his mind on running for reelection.

BUDGET AND FINANCE COMMITTEE REPORT

JANUARY 26, 2004

1. At the last meeting of Council, an action was taken to make a donation to the Agape Food Pantry and to the HOPE Ministries Center in amounts equaling their Town real estate taxes on the buildings they occupy. This action was the result of individual requests from both of these agencies. Subsequent to our action, we learned that the real estate taxes for the HOPE Ministries Center had been paid by the property owner. As such, the HOPE Ministries Center withdrew their request for the donation of funds. A representative of the HOPE Ministries Center noted that their request had been made to the Town prior to being aware that the property owner had paid the real estate taxes. He did note, however, that they would make a similar request for donation next year. Therefore, the action the Council took last week to make these two donations will now be amended to make only the donation to the Agape Food Pantry.
2. The Town's staff will commence shortly, the preparation of the budgetary information to be used in the development of the fiscal year 2004-2005 budget. Thereafter, the Council will be in a position to start its review process of the funding requested by the various departments. We would propose the following schedule for review and adoption of the budget. We would suggest that the Council have budget work sessions following the regular Council meetings on April 12 and April 26. The budget could be considered on first reading on May 10, with the second reading and the public hearing scheduled for May 24. The final reading and adoption of the

budget would be scheduled for June 14. In the event there were questions or problems with the budget, there would be opportunity for revisions at the meeting on June 28. Between now and the budget work sessions, both Committees of the Council will hear updates and review the various departmental budgets. If this timetable is acceptable to the Council, we will implement this schedule.

Jacqueline K. King

John W. Jones, Jr.

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PUBLIC WORKS COMMITTEE REPORT

JANUARY 26, 2004

1. The New River Regional Water Authority met last week and continued the review of preliminary engineering data that has been assembled on creation of a regional water system. As the Council knows, the regional water system is a collaborative effort among Carroll County, Wythe County, and the Town of Wytheville, and there will be a need for the installation of transmission mains and the construction of a new water treatment facility on New River. The Summary Engineering Report prepared by Peed & Bortz tabulates a number of other engineering studies to a single report. The purpose of summarizing all of these engineering documents into a single report is to give state and federal funding agencies the opportunity to review the planned regional project in an overall fashion. It is anticipated that representatives from the Authority will meet with various state and federal agencies in the next couple of weeks in Richmond to discuss funding opportunities. At the meeting last week, each participating governing body was asked to take some action to show its support for the continued progress on the creation of a regional water system. We have enclosed, under the Ordinances/Resolutions section of the agenda, a resolution that sets forth our endorsement and support of this future project. It would be the recommendation of the Public Works Committee that when this resolution is considered, the Council adopt it and forward it to the New River Regional Water Authority.

2. Both our Committee and the Budget and Finance Committee have discussed alternatives that may be beneficial to the request made by Mr. Richard Herring to relax two-hour parking restrictions on Main Street. Upon reviewing the businesses in the downtown area, it is easy to determine that the two-hour parking restriction is helpful to some businesses, while not helpful to other businesses. We also noted that there continue to be owners and employees of businesses in the downtown area that park along Main Street. In an effort to enforce parking regulations, we have employed a full-time parking enforcement officer.

Having said that, we do think that there are certain revisions that may be of benefit to the downtown area. First, we do not see any particular problems, upon giving proper notice, in relaxation of the parking restrictions between 2:00 a.m. and 6:00 a.m. for those late-night events that occur at the Millwald Theatre or other downtown businesses. Likewise, we see that some relaxation of parking enforcement on Saturdays may be of benefit to the Millwald, particularly since a number of businesses in the downtown area are closed on Saturday afternoons. We did receive a letter from Mr. Doug Goins noting that enforcement of parking in the downtown area was very important to his and other businesses along Main Street. Mr. Goins suggested that the enforcement of parking be relaxed after 2 p.m. on Saturday afternoon. Originally, we had considered changing the regulations in the downtown area and not restricting parking on Saturdays. Mr. Goins does raise a good point in that any matinee that would occur on Saturday afternoon would not be ticketed by the parking control officer. We think Mr. Goins' point is well taken and would suggest that we have an experimental

period where there is no parking enforcement on Main Street after 2:00 p.m. on Saturday afternoons. Also, we would note that we have accommodated many businesses in the downtown area through the years for special events. Similarly, if Mr. Herring were to have a special event, and if we were given sufficient notice, the Council would probably be inclined to take a special action for the special event. If the Council agrees with this approach, we will ask the Police Department to stop parking enforcement on Main Street after 2:00 p.m. on Saturdays.

William B. Weisiger

Charles G. Crockett

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (8:05 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, CMC, Clerk of Council

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