

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, MAY 24, 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, Chief Deputy Clerk Sherry G. Corvin, Town Attorney Robert P. Kaase, Patrol Officer Chris Irvin, Danny Gordon with WYVE/WXBX, Theresa Hart with Wytheville Enterprise, Dale Reese, Wesley Alford, Kim A. Mutter, Josephine Slemp, V. P. Slemp, John Goss, Agnes Eades, Michael Graham, B. Akers, Mrs. Brock Hughes, Willie Tavenner, Mabel Jo Wilson, Kathy Grubb, C. N. Otey, J. B. Willis, McDonald Johnson, Coleman Shuler

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 Jones followed by the Pledge of Allegiance led by Vice-Mayor King.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of May 10, 2004. A motion was made by Councilman Weisiger and seconded by Vice-Mayor King to approve the consent agenda consisting of the minutes of the regular meeting of May 10, 2004. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

RE: CITIZENS' PERIOD

Mayor Crewe stated the Council always has a Citizens' Period on their agenda. He noted he can see from the sign up sheets that most individuals are attending the meeting on two particular issues. Mayor Crewe remarked that he will do as the Council wishes. He advised that the Council has two short Committee reports, and then the budget. Mayor Crewe advised that he did not know if the Council wanted to move those agenda items first, or if the Council wanted to proceed with the agenda as it is and hear from these citizens at this time. Councilman Crockett stated he thought the Council should follow the agenda as it is written. Mayor Crewe indicated that if no one has any problems with this, he will follow the agenda as it is written. He advised that he will go through the sign up sheets. Mayor Crewe explained that the reason the Council has people sign in is so they know who they are and can identify them for the minutes when they are speaking, and secondly, so that he will know to call on the citizens and not miss someone. He stated he will go down the sign up sheet the way he has it, and the Council will give everyone who desires an opportunity to speak. Mayor Crewe requested everyone to come to the microphone so their comments can be properly recorded.

Mr. Danny Gordon was recognized and stated that not too often does he take the Council's busy time and he will be brief. He remarked that he has talked to some of the Council members individually about renaming North Fourth Street. Mr. Gordon indicated that he thinks the Town has done great things with the Heritage Center and the new Visitors' Center, which he was privileged to visit last Friday. He stated he would like to ask the Town Council to consider renaming North Fourth Street from Monroe Street to the Interstate the "Edith Bolling Wilson Avenue." Mr. Gordon advised that he thinks having a president's wife who was born and lived in Wytheville should be recognized. He noted that the town is in the historic theme, and the Council is doing a great job with this, and he wished the Council would consider the renaming of this street. Mr. Gordon advised that all it would take is a resolution, a few signs, and it would be a great addition to what the Council is already doing in the town. He noted that another thing is that he and Tom Bralley have talked about this several times, and the only thing that is really missing in the town's historic puzzle with the E. Lee Trinkle Center and the statue is anything commemorating George Wythe. He remarked that the town does not have a monument or a statue, and possibly the Council would want to consider at the new Visitor's Center possibly a monument that had George Wythe's picture or face etched in it like they did with the Hall of Fame. Mr. Gordon stated he would also like to compliment the Town's paving contractor and the paving schedule in the Town of Wytheville. He advised that he thinks the roads are great, and

he did not hear a lot of complaints from people about any major inconvenience. Mr. Gordon advised that he thinks the paving company did a great job, and he thinks the Town had a good contractor. He reiterated that the town roads are in excellent shape. Mr. Gordon pointed out that he knows the Town receives a lot of complaints, but advised that he was very pleased with the paving. He noted that most other people he has spoken to are also pleased with the paving, and he thought he would pass this along to the Council. Mayor Crewe thanked Mr. Gordon for his comments. He advised that his recollection is that the Town reviewed the matter before about renaming a street, but, particularly, a State route. Mayor Crewe inquired if the Town had to receive some type of approval from VDOT or do they have to agree or not oppose the renaming. Town Manager Sutherland indicated he thinks that VDOT will always have to maintain the signs if it is a U. S. route, but advised he did not think VDOT would mind a local name change for a road. Mayor Crewe indicated that he knows the Council had talked to the Historical Society about doing something for George Wythe, and he did not think that anything ever got resolved, but it was looked into. He noted the Council could ask the Public Works Committee to review renaming the street, and they could request Director of Museums Emerson to see what she can resurrect in the minutes of discussions with the Historical Society about George Wythe. Mayor Crewe inquired if any of the Council members have any problems with taking this route or if they have any better suggestions or ideas. There being no concerns voiced, Mayor Crewe stated that the Council will follow up with this to see what can be done.

Mr. Dale Reese was recognized and stated he would prefer to wait to speak.

Mr. Wesley Alford was recognized and stated he would prefer to wait to speak.

Mayor Crewe remarked that most people have stated they desire to address the Council regarding the parking issues. Ms. Kim Mutter was recognized and stated she did not desire to speak to the Council.

Mr. Michael Graham was recognized and stated he was attending the meeting to speak if he needed to regarding his request for a special exception permit. Mayor Crewe noted that the Council will consider this matter later in the meeting.

Mrs. Brock Hughes was recognized and stated she does not know if all of the Council knows, but they have an unforeseen problem in their neighborhood. She remarked that her neighborhood is on the wrong side of the railroad tracks on Madison Street. Mrs. Hughes remarked that she thinks this problem was unforeseen by the Town, the trucking company, and the residents. She noted they understood that they were going to get new neighbors and that they had asked for office space and storage. Mrs. Hughes indicated that she was naïve to think that storage meant inside because she had to store a lot of things inside and she would assume that most people do. She remarked that she thinks the trucking company's business grew so fast and so readily that they are now having to take advantage of the town street, which is South Fourth Street. Mrs. Hughes pointed out that it is not a very wide street, and it is just one block long where she is referring to between Railroad Avenue and Madison Street. She advised that the trucking company does not have room, and their problem is it is too small an area for such a big undertaking such as this business. Mrs. Hughes remarked that if a person takes a right off of Madison Street onto South Fourth Street, it is kind of daunting if a motorist is accosted with two or three big tractor trailers being there. She noted that, granted, a motorist should be going 15 MPH, but if the vehicle is traveling faster, it may cause a lot more trouble. Mayor Crewe thanked Mrs. Hughes for her comments and for attending the meeting. Mrs. Hughes thanked the Council for permitting them to attend the meeting.

Mayor Crewe remarked that he did not want to limit anyone, and the Council can hear from everyone and then they can respond all at once.

Ms. Mabel Jo Wilson was recognized and stated she did not know if the grandfather clause means anything and she presented a picture of her great great grandfather's house that was located where her mother's house currently sits. She advised she is speaking on her mother's behalf. Ms. Wilson indicated that this has been a wonderful, grand old neighborhood, and her mother tells her that the factory was built after she graduated, which was probably 1926 or 1927. She advised that the factory has been their neighbor for 75 years, and they only complained once about emissions from the smoke stack. Ms. Wilson pointed out that it is too small an area to be used by trucks, and the loading ramp is too little. She advised that there is no way to get in and out. Ms. Wilson remarked that they had visitors at their home, and they think it is incredulous that anyone would allow such in a town. She noted if the Council would please review the photographs, and she presented them to Council, the trucking company is doing so much better. Ms. Wilson advised that the company is trying to get the trucks on the lot, and noted she did not want to cause them problems. She stated that there is no way with that property for the trucking company to be a good neighbor. Ms. Wilson noted that these

photographs were taken last week, and they are still blocking the road, and sometimes they are on the wrong side of the road. She stated they have lots of trucks on the parking lot and advised that this is good. Ms. Wilson indicated that the only thing she can state is in Roanoke, they can only have two horses per acre. She pointed out that this is not even an acre of land, and inquired as to how many huge trucks can a person possibly have on this size of property. Ms. Wilson stated if the little back building was taken off the property, the one lot they are trying to park in now is only about 100' X 150'. She remarked that the Council will notice that the backing ramp is probably only about 30', and there is probably only about 50' on the one side. Ms. Wilson explained that they have to go over the curb, and there is no access except that they have to use the road as their backing and loading ramp. She noted that this is unconscionable in this day and time to allow this. Ms. Wilson indicated it is incongruous, and in geometry, this means things do not fit together. She advised that she does not think Reese Trucking can make that many parking places on the property. Ms. Wilson remarked that the only thing she can tell the Council is if they would picture Withers Field back in the old days when it was marked off for a football stadium, if the building itself takes up almost 60 yards, then there is probably 30 to 40 yards to park, and a person would have to back off of Fourth Street to get in there, and they can imagine how it would be if there is no access. She indicated that this is about the size lot that Reese Trucking is dealing with. Ms. Wilson summarized that it is too big of an operation for such a small building. She inquired if the Council received the handout with all of the problems they have defined. Town Manager Sutherland indicated that the Council reviewed it at the Committee meetings. Mayor Crewe stated that the Council Committees reviewed it two weeks ago. Ms. Wilson requested the Council to notice this handout. She remarked that they showed the safety, the railroad crossing, etc., and advised that she has talked to truckers that have driven for years, and they have told her that going across the railroad is a hazard the way it goes in an angle. Ms. Wilson advised that the truckers have stated that they have never been to a terminal or a depot like this, and noted this is what Reese Trucking is using this as is a terminal that cannot be accessed by pulling in. She stated the corners on the small block are too small, and they are parking too close to stop signs. Ms. Wilson noted that motorists cannot see out, and the trucks are blocking the streets when they load. She indicated that they have had one traffic hazard after another. Ms. Wilson advised that as far as the environment, they have pollution with diesel fumes, noise, etc. She noted they have one neighbor who works third shift that has had to find another place to sleep during the day. Ms. Wilson noted that she knows people can have dogs in the town, but if they are barking dogs, they are a nuisance, and the noise from the trucks is terrific. She remarked that as far as illegal actions, the trucks are blocking traffic, over their driveway, too close to the corner, over the fire hydrant, and parking on the residential side of the street. Ms. Wilson stated that as far as she is concerned, they have been the cause of a telephone wire down and a manhole cover coming off. She noted they have also put the jack down and unloaded vehicles, which she understands is illegal. Ms. Wilson remarked that there have been lots of illegal things happening. She noted she understands and appreciates that the Public Works Committee report was to prevent parking on the west side of Madison Street, but advised that this would not work for the owners of the house behind them because they need parking on this side. Ms. Wilson pointed out that it has been an unusual situation because the little house on Railroad Avenue has been empty and they have been away. She stated their business grew just about the time that they were away, and Reese Trucking did not think they were bothering anyone, but they were across their garage and driveway, and there are lots of people who can vouch that they are blocking the road. Ms. Wilson advised that the citizens would beg that the Council consider the S-1 Certificate of Occupancy, which Reese Trucking changed from F-1 and noted this is what Magnetic Technologies had, and Reese Trucking did change their status. She remarked that she has some written documents that Reese Trucking wrote to Director of Public Safety Albert Newberry about the sprinkler system, but never did Reese Trucking put down their intentions with trucks. Ms. Wilson stated she thinks this is justification to revoke their license, and this is the first thing that the residents would ask, if possible. She advised if revoking their license is not possible, if the Council reviews the property and sees the curbing and access, the Council needs to amend the Zoning Ordinance. Ms. Wilson pointed out that the Town cannot start a precedent like this because it will be somewhere else in town. She inquired as to how many trucks can be parked head to toe. Ms. Wilson stated this is not Reese Trucking's fault because they just cannot get off the road. Ms. Wilson advised that Reese Trucking has to use the road, and noted that she does not mean to cause them problems but there must be a better place. She indicated that the other thing the citizens would like to do is petition the Council, if possible, to change the zoning of their block back to residential. Ms. Wilson noted that none of the residents know when the zoning was changed, and they were not aware, but they do have residential on the one side, and she understands that they could change the zoning because they adjoin a residential block on the one side. She remarked that the citizens would appreciate the Council advising them of how to rezone their block. Mayor Crewe thanked Ms. Wilson for her comments.

Ms. Kathy Grubb was then recognized and stated Ms. Wilson has covered everything that she was going to state.

Mr. C. N. Otey was recognized and stated that several comments have been made regarding this matter, but he has a couple of things he would like to add. He advised that for the type of operation Reese Trucking has, it is unimaginable that they could even open up a truck plant of the size of the magnitude that is there. He stated the entire operation is being handled in the street. Mr. Otey indicated it is a public street that it is being handled in, and it is not being handled on their property. He advised that all their trucks are parking on the street. Mr. Otey pointed out that when they are loading, the trucks are half on the street. He stated they are doing maintenance daily, and noted he is there working on his house, and everyday they are on the street underneath the trucks with the hoods raised, they are crawled underneath them, and they are doing all of their maintenance. He noted that half of this is being done in the street. Mr. Otey remarked that the trucks are running while they are doing this, and some of them are not running very good, and the fumes are coming out. Mr. Otey stated there is not enough buffer zone to handle this. He indicated that he is inside his house 200 feet away, and the fumes are coming through the windows. Mr. Otey advised that the infrastructure of the streets is not able to handle the trucks. He noted that the streets in this area were not made to handle 15, 20, or 30 tractor-trailers coming in there daily. Mr. Otey reiterated that the streets were not made to handle this. Mayor Crewe thanked Mr. Otey for his comments.

Mayor Crewe inquired if there is someone else who desires to address the Council regarding this matter. Ms. Wilson noted that she has the ordinance, Section 16, regarding the parking spaces. She requested if Building Official Stan Massie could speak regarding this matter. Mayor Crewe advised that both Council Committees have reviewed this matter, and any other member of Council can speak if they desire. He noted that Building Official Massie is attending the meeting to help enlighten the Council on the matter. Mayor Crewe explained that as he sees it, the real crux of the matter is that this property and the entire neighborhood, is zoned M-1 Industrial, and noted he did not know if Town staff went back and reviewed the time, but it has been for a minimum of 20 years and possibly longer than that. He inquired if Town staff researched to see how long this area has been zoned M-1 Industrial. Town Manager Sutherland advised he does not have this information at this time. Mayor Crewe indicated that it is not a recent amendment to the zoning, and the zoning has been this way for a long time. He noted that these uses are permitted. Mayor Crewe advised that there are other streets in town occasionally that are blocked where a truck is moving in or out and blocks other spots in town. Ms. Wilson interjected that what Mayor Crewe is referring to happens periodically. Mayor Crewe stated it may be that the issue is the trucks are there more often than occasionally. He noted that the Town can address this. Mayor Crewe remarked that Ms. Wilson mentioned that the trucks are blocking stop signs, and he noted that there are Town, County, and State ordinances that state a vehicle can only park within so many feet of the intersection. He advised that this can be enforced and this is an issue that can be addressed. Mayor Crewe explained that with the zoning and the usage being allowed, there are limited alternatives to do much of anything. He stated that this may be where Building Official Massie can help. He stated there are some requirements about on-site parking and off-street parking. Mayor Crewe indicated that everyone heard because Ms. Wilson is aware of the Public Works Committee report that when the Public Works Committee reviewed the matter, one suggestion was to look at limiting parking on one side of the street. He noted that as Ms. Wilson indicated, this helps one person and hurts another. Mayor Crewe indicated that Reese Trucking has a right to park trucks, and there is no prohibition on parking the trucks there. He stated that the railroad crossing is configured the way it has been for years and years as well. Mayor Crewe pointed out that trucks can get in and out, and there are a number of places in town where crossing the railroad is an issue, but it can be done. He advised that this may be something the Town can consider, but any reconfiguration of the railroad crossing is Norfolk Southern's decision and not the Town's decision. Mayor Crewe stated that they can offer suggestions to change the crossing, but if they decide they do not want to change a crossing, there is nothing the Town can do to make them change a crossing. He advised that he knows there may be noise from trucks, and the Town needs to address the hours of operation and this can be handled. Mayor Crewe remarked that he also lives near the railroad tracks, and as Mrs. Hughes stated, he also lives on the wrong side of the tracks and is on the south side of the railroad, too. He noted that trains come through there all hours of the day and night as well. Mayor Crewe advised that there are speed limits on the trains, but that is all the Town can do regarding the trains. He remarked that what bothers him about this, and noted that Ms. Wilson's suggestion about amending the ordinance, is it will not do the residents any good because if the Council amends the ordinance to outlaw trucking, it is not retroactive, and it cannot be by law. He explained that the Council can only amend an ordinance prospectively, and noted he did not think there is a lot the Council can do to address the complaints except for the off-street parking, the on-street parking, the hours of operation, and one or two other minor points. He explained that the meeting with Mr. Reese has improved this situation some. Mayor Crewe stated the Council may be able to do something, but he will advise the citizens from the outset that when the Council looked at this problem, it is not a new issue. He noted it may be new in this particular ramification of it, but the zoning allows this use. Mayor Crewe advised that the Public Works Committee reviewed this matter, but the Budget and

Finance Committee members have reviewed their report, and if he is missing something to please let him know or add to the comments. He noted that possibly Building Official Massie is the most important person in this issue. Town Manager Sutherland stated that could be correct and noted he thinks the issue here, and advised that Building Official Massie can address this, is as he understands the situation, the Reese Trucking facility received a change in use permit sometime ago and stated what their intentions were to use the building. He pointed out that, obviously, those functions have changed since they received the original permit, which would state that Mr. Reese would need to apply for a change in use which would result in the issuance of a different Certificate of Occupancy. Town Manager Sutherland advised that the issue here, in terms of zoning compliance, would be to provide the off-street parking as required by the ordinance. He noted he thinks this is a fair reflection, but stated that Building Official Massie may expand on that. Mr. Reese indicated that they have not changed what they bought because they had the trucks, and that is the reason they purchased the building. He noted that they do not run but eight trucks a day, and one of them is in Colorado. Mr. Reese explained that he is not running 15 to 20 trucks in there everyday. He noted that the building was for sale for a long time, and the citizens should have purchased that property if they wanted a change so they could change it.

Mayor Crewe inquired if Building Official Massie could help the Council understand a little more about this situation and inquired if he is stating it correctly or incorrectly. Building Official Massie remarked that he will be glad to address the Council, but it seems that Mr. Reese would like to defend some of these charges. Mayor Crewe requested Building Official Massie to go ahead and explain the situation to the Council. He noted he has the photographs if the other Council members would like to view them. Building Official Massie advised that Mr. Reese's license was initially issued for a warehouse and an office. He remarked that he was aware that Mr. Reese had some trucks. Mr. Massie advised that Mr. Reese's business was on the south side of the interstate near Fort Chiswell. He noted Mr. Reese still has that lot rented and inquired if that is correct. Mr. Reese stated that is correct. Building Official Massie remarked that Mr. Reese still has equipment there, and his sign states "Reese Trailer and Equipment." He noted that Mr. Reese never said anything about tractor-trailers, and explained that the trailers were like the small trailers for hauling yard mowers and small car-dolly trailers that a person would haul a car on. Mr. Massie pointed out that Mr. Reese's equipment was Rent All equipment, and noted that he has rented a Rent All for his daughter to move to Indiana. He noted that Mr. Reese also had man lifts that a person could rent to go and work up on a structure, etc. Mr. Massie reiterated that he was aware that Mr. Reese had some trucks, and he did explain to him that occasionally he may bring a truck up to this building to change the oil, etc. He noted that there was never any discussion about the facility being used as a depot or a terminal. Building Official Massie advised that if this discussion would have taken place, the parking issue would have been addressed. He explained that since this problem has arisen, he has talked to Mr. Reese about the trucking and the parking, and Mr. Reese understands it is legal for him to have the depot at this location, but he would have to provide off-street parking for utilization purposes. Building Official Massie explained that currently, Mr. Reese had adequate space to provide those spaces that he needs, but he has storage in those spaces. He advised that Mr. Reese cannot store equipment, etc. in the parking spaces and park the trucks on the street. Building Official Massie pointed out that Mr. Reese has to provide the spaces for the trucks to park off the street, and then at that point, and only then, can Town Manager Sutherland permit Mr. Reese, by the ordinance, to utilize on-street parking. He summarized that the issue is Mr. Reese is not utilizing his off-street parking, and, therefore, his license cannot be changed until Mr. Reese shows him that he has 10 spaces, and noted he needs 10 spaces, for trucks. He advised that Ms. Wilson estimated the building a little large. Mr. Massie explained that Ms. Wilson has estimated it at 15,000 square feet, but Town staff has calculated the utilization space of the building to 8,000 square feet. He noted the required parking space by the ordinance is one car space per 200 square feet. Mr. Massie indicated that this equals 40 spaces. He explained that a truck and trailer would encompass approximately four spaces, and he and Town Manager Sutherland discussed this, so they divided four into 40, and that is where the 10 spaces come in. Mayor Crewe advised that Mr. Massie is stating there needs to be 10 spaces for tractor-trailers. Mr. Massie indicated that in the office area, there are approximately four people with four vehicles required, and he requested Mr. Reese to also provide four off-street parking spaces for cars for office use. He summarized that he is looking for four car spaces and 10 truck and trailer spaces. Mayor Crewe noted that these spaces are not currently available. Building Official Massie noted that these spaces are not currently there, but they could be but they are full of storage. He stated this storage is pallets, other equipment, trailer bodies with no tractor attached, road trailers with no tractors attached, etc. Mayor Crewe inquired if the parking spaces are added, and if the 10 tractor-trailer spaces and the four car spaces are added by grading or whatever has to be done, then what needs to be done once that is completed. Building Official Massie remarked that there would not be any necessary grading, and the space is now available, then he would reissue a new Certificate of Occupancy and Mr. Reese would be in compliance with the Town Code. Mayor Crewe remarked that Mr. Reese is attending the meeting and can

speak, and Mr. Massie has discussed this with Mr. Reese and he is aware of what needs to be done. Building Official Massie advised that is correct. Mr. Reese stated he is currently working on this. Mr. Massie indicated that Mr. Reese has moved some equipment, and inquired as to how long it has been. Mr. Reese noted it has been a couple of weeks. Mr. Massie indicated that Mr. Reese has moved a few pieces of equipment. He noted as he has stated previously, he thinks everyone has agreed that things are improving, but everything is not completed. Councilman Crockett inquired if he understands Mr. Massie's comments that if Mr. Reese complies with the ordinance, he would not be justified with having trucks parked on the curb and inquired if that is correct. Mr. Massie answered that on-street parking is only justified when a person uses all of their off-street parking to the maximum extent available or to the requirements of the ordinance. He noted that then, if Mr. Reese needs additional on-street parking, Town Manager Sutherland can allow this by ordinance. Mr. Massie noted if a person is required to have 10 spaces and they cannot get but five spaces on their property, at that time, Town Manager Sutherland can allow on-street parking in lieu of the off-street requirements. He pointed out that a business cannot have the on-street parking when they have off-street parking available and want to use it to store items. Mayor Crewe remarked that if he understands what he thinks he hears Mr. Reese stating and what Mr. Massie is stating is this is not an issue in this case because there are spots available to move the on-street parking to off-street parking, and there is enough room to do that. Building Official Massie advised that he feels there is enough space available on the property that Mr. Reese can provide 10 tractor-trailer spaces and four car spaces if he would get the storage out of the way. Mayor Crewe inquired of Mr. Reese if he thinks it is possible to put this number of parking spaces on his property. Mr. Reese advised that he thinks it would be hard to get 10 tractor-trailer spaces. He noted they can take up all of the grass and trees if that is what the neighbors are wanting to make truck parking. Ms. Wilson inquired regarding the access. Mr. Reese advised that he would rather have the pretty grass and trees. Mayor Crewe remarked that he will follow up on what he thinks Councilman Crockett was requesting is if there are 10 tractor-trailer spaces and four car spaces added to the existing parking what of the problem everyone is discussing is left. Mr. Reese advised that it will be difficult to add all of these spaces. Mayor Crewe inquired again that if these spaces are added, what of the problem everyone is discussing is left. He noted he does not think the parking spaces solve everything. Mr. Reese indicated that he is currently working on the parking spaces. He noted he has machinery coming into the place to gravel the remainder of the parking spaces to get the tractor-trailers on the property. Mayor Crewe inquired as to how many trucks Mr. Reese is currently running. Mr. Reese remarked that he is currently running nine trucks, but part of them are in Georgia and Colorado, and they are not there everyday. He noted that after 5:00 p.m. in the evening, they are gone, and possibly one truck will come into the property at night. Mr. Reese indicated that there are not 15 or 20 trucks as Mr. Otey stated coming into the property. He explained that he does not own 15 or 20 trucks. Mr. Reese remarked that if the gas tankers and concrete trucks are counted along with his trucks, there are that many trucks in the area, but not all of them are his. Mayor Crewe indicated that Mr. Reese is stating that some of these trucks belong to the neighboring businesses. Mr. Reese advised that is correct. Mayor Crewe noted that all Mr. Reese owns are tractor-trailers. Mr. Reese noted that is correct. Mayor Crewe remarked that Mr. Reese does not own any tankers and concrete trucks. Mr. Reese stated that is correct. Mrs. Hughes indicated that Mr. Reese may be running only seven or eight trucks, but there has been a lot more than that on the lot. Mr. Reese advised that is not correct. Mrs. Hughes remarked that her math is not too good, but it looks as though there may be 10 or 20 trucks on the lot. She noted they may not all be tractor-trailers, but there are some cabs, etc. Mr. Reese indicated that he has three cabs in the yard that they do not use. Mrs. Hughes inquired if this is considered storage. Mr. Reese explained that these three cabs are at his other business property and not in the Town of Wytheville and do not come to town. Mr. Otey advised that today when he left, there were three trucks parked in that area, all of three of them were running, and all three of them were putting out fumes. He noted that there was someone crawled underneath one of them, there was another one hanging out in the street coming from the back of the building because they cannot back all of the way in there and they were working on that truck, which was also running. Mr. Otey advised that he knows there were at least three trucks running, and this happens all of the time. He noted there is someone under a truck there all day long on the side and it is running and putting out fumes. Mr. Otey reiterated that they are operating this business off of the street. He remarked that it is just not that they are allowed to do this, but they cannot physically go in there and load and do what they need to do on that property without getting out on the street to do it. Mr. Otey advised they work on the trucks at the maintenance part there, and the truck hangs out on the street. He noted if they go to load, the truck hangs out on the street. Mr. Otey reiterated that they are trying to run their trucking business using the street as their loading dock and part of their loading area. Mayor Crewe stated this is not illegal, and if this is the only way it can be done, it is not against the regulations and rules. He noted this is why there needs to be the off-street parking so there are not trucks parked haphazardly. Mayor Crewe explained that if the truck is so long that the nose sticks out into the road when the back end is against the loading dock, this is not a violation of law, and advised this happens in a lot of places around town. Councilman Crockett remarked

that he needs to get a clarification on this and noted he is not sure he understands. He inquired of Building Official Massie if when a truck is being loaded if it has to be completely off the street to where it does not obstruct traffic flow. Councilman Crockett stated he noticed from a couple of the pictures that it shows a truck cab obviously sitting, and on another picture, well out into the road. He reiterated that several of the pictures show the truck cab sitting out in the road. Councilman Crockett inquired as to the regulations that govern whether Mr. Reese can or to what timeframe, and noted that, obviously, a person cannot park a truck there and load all day long because it blocks traffic flow to some degree. He inquired as to what regulations control this. Building Official Massie stated Mr. Reese probably needs to address the technicalities of loading and unloading the truck. He noted if the truck is parked as described in the picture, the dock door for that facility is a short dock, and when they back the truck in with the new trailer bodies, some of the trailer body itself would actually hang out over the curb line. Mr. Massie explained that they disconnect the tractor from the trailer and bring it around and park it there so a person's car would not impact the trailer as it is sticking out into the road, and they use the tractor as a shield. He noted the situation he deals with that he needs to address is if the truck is there, available, connected, ready to start the ignition, build up the air, and pull the truck off, then it is parked, and this is a police issue. Mr. Massie indicated that when the riggers are down or when the tractor is disconnected from the trailer, then the truck is stored, and it is not legally parked anymore, and that is the issue he is dealing with storage on the street and storage at other places, and they are not providing parking. Mr. Massie pointed out that there is a technical difference. Mayor Crewe remarked that what Mr. Massie is stating is it is physically impossible to have a truck backed up to the loading dock and keep it completely off the street. Building Official Massie stated that Mr. Reese will have to explain this. Mr. Reese stated they cannot back up to the loading dock and keep the truck completely off the street, but noted it is not illegal because that is the purpose of a commercial tag. Mr. Massie explained that if the truck is still hooked up, then it is not illegal. Mr. Reese noted that a truck can legally stop in the middle of Main Street and load and unload their truck, and reiterated that this is the purpose of the commercial tag. Mayor Crewe pointed out that there are lots of places in town where this occasionally happens, but the issue is all day long. Mr. Reese remarked that they load and unload, and get the trucks back down the road. He noted they had one truck running today while they worked on a trailer, not three. Mr. Reese remarked that one other truck came by, but they did not have a trailer, and advised that this is all that came by today. He reiterated that only one truck came by today. Mayor Crewe inquired of Mr. Reese of when they are loading or unloading, and if there is a tractor that backs a trailer into the loading dock, how long does it typically take. Mr. Reese remarked that sometimes it takes a couple of hours to load a truck. Mayor Crewe inquired if this is all done during daylight hours, and they are not loading or unloading at night. Mr. Reese stated that is correct. He advised that there are cones that they put out in front of the truck with its lights running, and noted it is not an unsafe situation. Mr. Reese remarked that back when they constructed this building, trailers were only 25 feet long, and they were short. He explained that now, the trailers are 53 feet long, and he cannot get them out of the road with a 40-foot dock. Mr. Reese indicated that they do not leave the trucks out there to make people dodge them, etc., and they are doing the best they can to get them out of the road. He pointed out, again, that this is a warehouse and warehouses require tractor-trailers to come to it. Mayor Crewe inquired if Mr. Reese is in the process of trying to add the required off-street parking so as to comply. Mr. Reese answered that is correct, and they have cleaned up all of the metal that Magnetic Technologies left there and had it hauled off. He noted that before this week is out, they will have more gravel on the property. Mayor Crewe inquired as to where the maintenance of the vehicles is performed. Mr. Reese answered that they do not change any oil on the property, and they let Flying J do all of the oil maintenance. He noted there is a big shop in the back of his building where they do brakes, radiators, etc. Mayor Crewe inquired if any of this maintenance is performed on the street. Mr. Reese stated that none of this maintenance is done on the street. He indicated that they had to put a shock on today, and that was on the side of the street, but it was at the entrance to his place, and it was not blocking the road. It was noted that when Mr. Reese does work on his side of the street and there is parking on the other side of the street, it is difficult to traverse the street. Mr. Reese advised that he takes his tractor-trailers through there and inquired as to why the citizens cannot traverse the street with a car. It was noted that they cannot traverse the street in this situation. Mr. Reese reiterated that they can take a tractor-trailer down the street. It was noted that the street is too narrow in this type of situation to travel it. Mr. Reese reiterated that they take their tractor-trailers down the street with this type of situation, and he does not know why a small car cannot travel down the street. He advised that there is another street available and just as close. It was noted that the citizens have had to turn around and use the other street. Mr. Reese pointed out that another citizen in the neighborhood parks on the corner and blocks the road just as bad as the trucks. He noted it is a station wagon to which he is referring. Ms. Wilson stated that there has to be something the Town can do, and noted she does not care if it is an M-1 Industrial zoning, that prevents the size of this business. She pointed out that they do not have access. Mr. Reese informed the residents that he could sell them his place, and it would solve the problem. Ms. Wilson noted that in Section 16.6, the 20 spaces are subject to these requirements, and they need to have a

berm and a strip. Mayor Crewe advised that he did not know what Ms. Wilson is quoting from and advised he does not have it in front of him. Ms. Wilson stated she is quoting from the Parking Area Landscaping Requirements. She indicated that there should be some kind of protection. Mayor Crewe remarked that he does not understand what Ms. Wilson is reading from, but he does not think Ms. Wilson is reading information from the M-1 Industrial Zone. Building Official Massie clarified that Ms. Wilson is reading from the general parking from the landscaping provisions. He noted that Assistant Town Manager Moore is more familiar with this ordinance. Ms. Wilson reiterated that there must be some regulations that state they need to have access to get into their property. Mayor Crewe remarked that Reese Trucking has access to get into their property, and noted the issue he sees is they do not have enough off-street parking, which they need to have, and this is, apparently, being addressed. He noted he does not know if anyone else, Mr. Moore, or anyone on Council desires to comment on this matter. Mayor Crewe advised that they reviewed this matter in the Committee meetings, and remarked that he does not know of a good remedy for this situation. He noted that Reese Trucking is in an M-1 Industrial zone, and if they put in the required off-street parking, this goes a long way in solving the problem, but it is not going to correct everything the residents are complaining about because they are in an M-1 Industrial zone, and a lot of what they are complaining about is allowed in an M-1 Industrial zone. Ms. Wilson remarked that the Town needs to define the M-1 Industrial zone. Mayor Crewe indicated that the M-1 Industrial zone has been defined for 50 years, and remarked that the Council has changed it some a time or two, he would guess. Ms. Wilson advised that most places with trucks that she has seen have a place where they can pull in and then unload, etc. Mayor Crewe indicated that he can assure Ms. Wilson that there are a number of places in Wytheville that this is not true. He advised that the three he has seen this week were backing into the Kincer-Miller Hardware building, and this blocks Monroe Street for awhile when they go across. Ms. Wilson remarked that no one lives at that location. She advised that they have always had periodic trucks that come in, and they have always tried to be good neighbors. Mayor Crewe remarked that he is stating that this is an M-1 Industrial zone, and Mr. Reese is trying to be a good neighbor, but it is an industrial zone, and it is a different zone than if it were R-1 Residential or R-2 Residential where this type of thing would not be allowed. He pointed out that Town Council is trying to address this the best they possibly can, but indicated he did not see any way of making everything the citizens are complaining about go away. Mayor Crewe remarked that if the Council changed every regulation the Town has and did not allow trucking, depots, or warehouses, it would start tomorrow, and the Council could not make Mr. Reese shut down or move. He explained that the Council can only change the ordinance in a prospective fashion and not in a retroactive fashion. Mayor Crewe remarked that when Ms. Wilson stated a grandfather clause, this is what a grandfather clause is commonly referred to. He explained that if a use is in effect, and the Council would rezone so that the use cannot be done, they cannot make someone stop that use. Mayor Crewe remarked that it would be a nonconforming use under the Zoning Ordinance. He reiterated that changing every ordinance the Town has will not address this problem, but it may address pieces of the problem. Mayor Crewe pointed out that it sounds to him that the biggest problem is blocking the streets, doing the maintenance on the streets, and parking. He noted he thinks that 90 percent of this problem will go away once the extra off-street parking is in place and utilized. Mayor Crewe indicated that he thinks this is where this is heading from the Town's point of view under the existing regulations to enforce this. He inquired as to how long it would take to get the off-street parking spaces completed. Mr. Reese advised that he will have it completed this week. He noted he just has one tractor-trailer parked on the street. Mr. Reese explained that he kept the other lot in Fort Chiswell so he did not have to park everything at this property. He remarked that this is \$750 per month that he can bring to town. Mr. Reese indicated that he can park behind the building and have this lot full, but indicated he did not want to do that. Mrs. Hughes inquired if that is the truck that pulled in last night. Mr. Reese remarked that he does not have trucks out on Sunday night and inquired if it is a yellow truck. Mrs. Hughes advised that is correct. Mr. Reese noted that this truck has been parked since Friday night. Mrs. Hughes indicated that there is another truck on the street. Mayor Crewe remarked that possibly the best solution is to ask Building Official Massie to continue monitoring this and report back to Council for their next meeting. He stated if Mr. Reese thinks he can complete the off-street parking spaces within the next few weeks, possibly he could provide a written report stating that the off-street parking is or is not completed. Mayor Crewe remarked that he is not requiring Mr. Reese to attend the Council meeting, but advised he is welcome to attend. He noted the one tool available to the Council is the off-street parking, and this seems to be the easiest thing to do now. Mayor Crewe reiterated that if Mr. Reese thinks he can get the off-street parking completed in two weeks, the Council will be meeting again in two weeks. Councilman Jones advised that the Council will meet again in three weeks because there is a fifth Monday this month. Mayor Crewe advised that the next Council meeting will be three weeks from this evening, and if Mr. Reese can let the Council know whether the off-street parking is or is not completed, at least the Council will have this piece of information. Mr. Reese indicated that they will have more gravel placed on the property. Councilman Crockett stated if Mr. Reese has the off-street parking for the trucks, this still means, if he understands correctly, that he is still going

to have trucks in the street for loading and unloading and inquired if that is correct. Mr. Reese stated that is correct. Mayor Crewe indicated that the only thing the Council can do is ask Mr. Reese to load and unload the trucks as rapidly as possible and not block the street. He stated that when the dock is shorter than the trailer, this is going to happen. Mr. Reese pointed out that the shortest trailer they own is 48 feet long that can be hauled down the road. He explained that a 48-foot trailer does not hang out in the road, but a 53-foot trailer does hang out in the road. Mr. Reese indicated that they do not leave a 53-foot trailer in the street, and they load and unload it and move it out of the way. Mayor Crewe stated the Council would encourage Mr. Reese to keep this street time to a minimum. Mr. Reese indicated that as soon as they can load and unload them, they move them. Ms. Wilson inquired as to how the citizens go about petitioning for a rezoning. Mayor Crewe remarked that there is a form that has to be completed, a fee that has to be paid, and paperwork to be signed. He inquired as to who the Council should start with to initiate this process. Town Manager Sutherland indicated that the Council could request the Planning Commission to do this as an action of its own, and not require the entire neighborhood to do it. Mayor Crewe explained that there are two ways of handling a rezoning. He noted one way is for the neighborhood to request it, and, secondly, the Town could request it. Mayor Crewe noted he was trying to respond to Ms. Wilson's question of how the neighborhood would request a rezoning. He stated that the answer is they would file a rezoning request. Town Manager Sutherland noted that is correct and advised that the question is going to quickly be who desires the rezoning. Mayor Crewe indicated that is correct, and the Town has to review who wants the rezoning and who does not want it. He pointed out that there are advantages and disadvantages of the rezoning. He reiterated that the process is the citizens would file an application requesting a rezoning. Mayor Crewe remarked that when they file the application, they will have to pay a fee for placing the legal ad in the newspaper, the application fee, etc. Ms. Wilson stated the sad thing is even if they are zoned M-1 Industrial, if she was a business in that area, she would need to have her side of the street. She indicated that always before, with the other businesses they have had to jump up and change cars. Ms. Wilson inquired as to their rights to park cars. She stated that they have not parked cars on the street because they were being good neighbors. Ms. Wilson indicated that Reese Trucking cannot back into their property with their cars parked on the street. Mayor Crewe noted that unless the Council changes the parking presently, and noted this will be proposed later in the meeting, there is no "No Parking" zone in that area presently. He indicated that as long as the vehicle is properly parked the proper distance from the driveways, stops signs, and intersections, etc., anyone can park on the street whether it is a tractor-trailer or a passenger car. Town Manager Sutherland remarked what he thinks he heard Ms. Wilson state earlier is that making this a "No Parking" zone with the exception of handicap spaces is not something her rear neighbor can live with. Ms. Wilson stated that is correct. Mrs. Hughes inquired if a person has to get permission to go into a place for a new business. She noted, for example, if she wanted to open a new business, would she have to get permission and from whom would she get permission. Mayor Crewe remarked that she would have to speak to Building Official Massie and apply to the Town for a business license. Mrs. Hughes remarked that she is sure Mr. Reese obtained permission but she doubts it was for a truck stop. Mayor Crewe explained that Mr. Reese indicated it was for warehousing and for an office and some trucks. Mrs. Hughes inquired if storage was requested. Mayor Crewe stated that is correct. Mrs. Hughes inquired if it is storage when he is moving trucks. Mayor Crewe explained that under this classification, he had enough off-street parking, but it is under this new use that more off-street parking is required, and this is why the additional spaces are required. Mrs. Hughes advised that she does not understand, but if the Council understands, there is not much she can do about this. Mayor Crewe noted if Mr. Reese puts in the required off-street parking, he will be in compliance. He stated he thinks this is where this situation is about to end, and when this off-street parking is completed, the Council will see what impact this has on the problem. Mrs. Hughes indicated that Mr. Reese is trying, and she knows this. Mayor Crewe advised that he does not want anyone leaving the meeting thinking they are enemies just because they are on opposite sides of the street. He noted the problem is this is an old building and old zoning. Mr. Goss inquired if Mr. Reese complies and has the off-street parking for his trucks and he has the parking lot full, then he is permitted to park on the street and inquired if that is correct. Town Manager Sutherland stated that is not necessarily correct. Mayor Crewe advised that the answer to that question is not necessarily. He explained that there is a way the on-street parking can be done, but it requires an extra request and an extra permission to be granted, which has not yet been asked and has certainly not been granted. Mayor Crewe advised this is why he stated to Mr. Reese that any maintenance needs to be done off the street, any blocking the street for loading and unloading needs to be minimized, and street traffic needs to be interfered with as little as possible. He noted this may be the best the Council can do, and advised he is unsure. Mayor Crewe remarked that they can try to see how the off-street parking will work and see what happens. He stated that, again, this is going to be an agenda item for the next meeting, which is the second Monday in June. Councilman Jones indicated that the next Council meeting will be June 14, 2004. Mayor Crewe reiterated that this matter will be an agenda item, and indicated that he knows it is coming up again, and the citizens have a right to attend the meeting and state that some of the problems

have not been solved, it is not correct, etc. He noted that everyone has until the next Council meeting to see if the extra off-street parking is completed and utilized and see what happens from there. Mayor Crewe remarked that the Council will take this one step at a time and see what happens. He reiterated that he thinks Mr. Reese is trying to be a good neighbor, and if he can keep blocking traffic to a minimum, and if he is not operating at night, this is, obviously, not a problem. Mayor Crewe stated that, obviously, some people are hearing the trucks go. He indicated that he knows there are other businesses in this area, but if Mr. Reese has trucks coming and going at night, he thinks he should limit those as well for the neighborhood. Mayor Crewe pointed out that this is not a requirement by regulations. He remarked that it sounds to him that anything Mr. Reese can do to help with this, he is trying to do. Mayor Crewe indicated that it seems that off-street parking seems to be the biggest thing the Town can require because of the ordinances the Town has in effect. He inquired if he is missing something or if anyone else has any comments or questions. Ms. Wilson inquired if they desired to consult a lawyer, if he should be at the Council meeting. Mayor Crewe answered that the residents are welcome to bring anyone to the Council meeting and do whatever they desire. He noted the Council will be more than happy to hear from anyone. Councilman Jones inquired if the residents are going to let the Council know if they desire to file for the rezoning of their block or if they want the Planning Commission to address the matter based on the request from the Council. Town Manager Sutherland inquired if most of the residents attending the meeting live on that block. Mayor Crewe indicated that he thinks almost the entire block of residents is attending the meeting and inquired if there is anyone missing from the block. Ms. Wilson noted that the Barkers and Mr. Flanagan are not attending. Mayor Crewe noted he will ask the residents in this way and they can tell him if it is a good or bad idea. He stated he explained to the residents that there are two ways to initiate a rezoning. Mayor Crewe explained that one way is the neighborhood can request it. He advised that one person can request to rezone one person's property. Mayor Crewe stated, for example, if he wanted to rezone his property, he would file the request. He advised that all of the property owners can do this individually if they wanted, or they could do it collectively. Mayor Crewe indicated that in this scenario, the citizens start the process. He explained that the other scenario would be that the Town starts the process, and the Planning Commission would be the avenue, and they would recommend that it be rezoned. Mayor Crewe advised that Councilman Jones' question, and noted he is the Council's representative on the Planning Commission, is if the residents know if they want to start the rezoning from their side or from the Town's side. Ms. Wilson remarked that they would probably want to start it from the Town's side. Mayor Crewe noted he saw a couple nods of approval and inquired if there is anyone who disagrees with this. Mr. Otey inquired as to how long this process will take. Councilman Jones answered that Assistant Town Manager Moore is the expert, but it would be on the Planning Commission's agenda for their next meeting which would be in June, and at that time, the Commission would set a public hearing for the meeting in July. He noted that the public hearing would be for the rezoning to whatever residential zone, R-1, R-2, or R-3, and then the Commission would hold the public hearing in July, and they would make their recommendation to the Town Council, which would, at their next meeting, set a public hearing for as soon as possible, and they would hold their public hearing. He noted that once the Council conducts their public hearing, they would then approve or disapprove whatever the Planning Commission recommended. Councilman Jones remarked that the citizens would be looking at two and one-half to three months. Mayor Crewe advised the citizens to keep in mind that even if their block was rezoned to R-1 Residential, which is the most restrictive use, it will not put Mr. Reese out of business even if the Council rezoned his property over his objection. Ms. Wilson pointed out that if their neighborhood is rezoned to residential, Mr. Reese would not be able to park his trucks on their side of the street. Mayor Crewe noted that is possible, but not probable. Councilman Jones advised that the Council will only be considering rezoning their block. Mrs. Hughes noted she believes that Mr. Massie stated they could not park their trucks on the residential side of the street. Town Manager Sutherland advised that there is a restriction in a residential district as to the length of a vehicle that can be parked. Councilman Jones indicated that is correct and noted the length of the vehicle cannot be longer than 35 feet. He stated that the Council has had this issue previously in some of the residential areas where tractor-trailers would be parked. Councilman Jones stated that, in fact, some of these mobile homes are too long. Mayor Crewe advised that if the residents want an application to go by to see how it is done, he can give them the time issues that Mr. Graham's special exception permit has gone through and the Council will consider later in the meeting. He noted that Mr. Graham filed his request on March 17, 2004, and it has gone through the Planning Commission, and they held their public hearing at the May 13, meeting, and they voted to recommend to the Town Council that the special exception permit with some stipulations be approved. He advised that this comes before the Town Council at this meeting, and they will need to set a public hearing, and the quickest it can be held will be at June 14 meeting. Ms. Wilson inquired if the residents would be better off to petition for the rezoning or if it would be the same as the Town starting the process. Councilman Jones explained that the only difference is if the Town initiates the process, they will handle the expenses, whereas, if the residents initiate the process, they will have to fund the expense. Councilman Jones remarked that he would prefer for the Town to

handle it, and it will not cost the citizens any money. Ms. Wilson inquired if the citizens would be able to provide input on the matter. Councilman Jones advised that is correct. Mayor Crewe remarked that they are all public meetings, and they would be notified. He stated that, in fact, his recommendation is that the citizens need to attend the meetings every time it is discussed so they know what is going on, and they will have a chance to provide their input. Mrs. Hughes inquired as to the expense involved and if it would include surveying. Mayor Crewe noted the costs would be for the ads and the certified notices. Assistant Town Manager Moore stated the cost would probably be less than \$300. Councilman Crockett inquired if the time differential would make any difference, and if it is going to be the same amount of time if the Town or the residents initiate the action. Councilman Jones indicated that if the residents want to initiate the action, they will need to have their request in no later than one or two weeks before the next Planning Commission meeting, and inquired if it is two weeks or one week. Assistant Town Manager Moore advised that it would be one week before the meeting. Mayor Crewe noted that the Planning Commission meets the third Thursday in June. Councilman Jones advised that the Planning Commission meets the second Thursday of each month. Mayor Crewe noted that the first week of June is when the citizens would need to submit their application in order to get on the June agenda, and this would give them one and one-half weeks to submit their request. Mr. Otey inquired if the Council will bring this matter to the Planning Commission's attention. Mayor Crewe noted if the Council takes action at this meeting, and advised they are waiting to see how the residents want to proceed, he does not know, but can predict that the Council will take a vote at this meeting to refer it to the Planning Commission. He explained that if this is the action the Council takes, the Planning Commission will consider it at their June meeting. Mayor Crewe advised that the Council does not know what the outcome will be, but they start the process that way if it is the Town starting the process as opposed to the neighborhood starting the process. Mr. Otey indicated that he would suggest that the residents let the Town initiate the process. Mayor Crewe noted that Town Attorney Kaase has stated that the Town initiating the process does not prevent the residents from requesting a rezoning as well. He remarked that if he is reading the residents' comments correctly and from comments in the Committee meetings, he would entertain a motion that the Council ask the Planning Commission to review the possible rezoning of this entire neighborhood. Mr. Reese inquired if this would be a waste of money because everything that is there is not going to change. Councilman Jones explained that the only thing the rezoning would do as far as their property is this block would then be residential, which means no one could put a business on that block that is not already there. He noted that it is not going to affect Mr. Reese as far as his block. Mr. Reese noted this is what he is stating, and the front of their block is already residential. Mayor Crewe noted that the rezoning would be on the opposite side of the street. Mr. Reese indicated that it seems to be a waste of money to him to do something that is already done. Mayor Crewe explained that this is why he stated that if the residents requested an R-1 Residential District, the most restrictive residential rating, on their side of the street in their block, it will not put Mr. Reese out of business or shut his business down, etc. Mr. Reese noted if the residents purchased his building, they could request a rezoning. Mayor Crewe noted that the owner could request a rezoning. Mr. Reese advised that if they purchased his building, they could make it a dance hall for their community and never worry about it again. Mayor Crewe stated that there are dance hall requirements. Councilman Jones inquired if Mr. Reese's business is the only business in his block. Mr. Reese noted that he owns the entire block. Mr. Coleman Shuler inquired if he could make a response that might serve the best interest of both sides and Council for the moment. He noted that as he understands the discussions thus far, the process has been going on for a while, and, according to what Mr. Massie stated, there are some changes that need to be made in the operation. Mr. Shuler advised that the changes needed are that on Mr. Reese's own property, he needs to change what he is doing to provide the 10 tractor-trailer spaces and the four car spaces, and inquired if that is correct. Mayor Crewe indicated that this is his understanding. Mr. Shuler noted that by Mr. Reese's own statement, he indicated he is in the process of doing that, and he noted he believes that Mr. Reese advised that he will probably have it finished in the next two weeks. Mr. Reese indicated that is correct. Mr. Shuler advised that Town Council will meet in three weeks, and the Council has already requested that Mr. Massie have some follow up report. He noted that knowing the concern of these citizens because they live there, and advised that this is their home and not their business, and it is their kitchen, bedroom, and several generations, and it is their life. Mr. Shuler pointed out that the appeal process, the Planning Commission process, and the Town Council process are very long and very thorough, and it takes a lot of time for the Council and the Town employees, which are tax dollars from citizens and business people, and from having heard this at this meeting, it appears that Mr. Reese already has some work that Mr. Massie has told him he needs to do, and he is already been willing to do. Mr. Shuler noted that in these three weeks, if the citizens just enjoy the three weeks knowing that everyone came together at this meeting and was united, and wait and see. He advised that everyone has heard what everyone has stated, and if Mr. Reese does these things in these two or three weeks, and then if Mr. Massie brings a report three weeks from now and is favorable to what Mr. Reese has done, and it is favorable to what the citizens want, no other action with the Planning Commission with the rezoning has to take place because as the Council knows, the

Planning Commission does a lot of review, but they may decide for the business or for the residents. He explained that the Planning Commission does not decide generally on common sense, and they generally decide on legal technicalities of the ordinances. Mr. Shuler noted that regardless of what the Planning Commission does, the Council could confirm or deny the request. He stated it seems that the best thing is to see what happens in the next three weeks. Mr. Shuler noted it seems that everyone at the meeting, the citizens, the business person and the Town personnel are all willing to use the next three weeks to make this situation better. Mr. Shuler noted that people are not going to go celebrate after the meeting together, but it seems that everyone has come here with a good conscience and a willingness to do the right thing. He advised that probably three weeks from this meeting, this problem will not be as big and everyone will state that the problem is solved, or in three weeks, the citizens can ask the Council to request the Planning Commission to proceed with the rezoning. Mr. Shuler inquired if this makes sense to the Council, the citizens, the business person, or to Building Official Massie. Councilman Crockett advised that he did not think this solves what the people in this area seem to want, which is their block rezoned. He noted this has nothing to do with Mr. Reese's block. Councilman Crockett indicated that some of Mr. Shuler's points are well taken, but he does not think the citizens are asking for the Council to consider rezoning Mr. Reese's property, but it is only that one block, which is Railroad Avenue to Madison Street to Fourth Street to 4½ street. He noted that he has one other question and inquired of Councilman Jones that if the residents request the rezoning or the Town requests the rezoning, if the Town has to determine whether the residents are requesting, at this particular time, R-1 Residential, R-2 Residential, and R-3 Residential, or whatever that request is. Councilman Crockett stated he thinks it is imperative that if they are going to request a rezoning of the block, the Council's motion would have to indicate whether they are speaking of the most restrictive zoning, which would be R-1 Residential, or R-2 Residential, or R-3 Residential. Town Manager Sutherland advised that he would think if the Planning Commission initiates the process, they are going to initiate a review of determining an appropriate residential zoning district, and they will determine the best zoning district. He noted if the citizens initiate the rezoning process, they are going to have to identify which zone they want. Councilman Jones remarked that in response to this, for example, if he is living in that block and it is currently zoned M-1 Industrial, he would want it rezoned to residential, since it is being used for residential because, for example, Mr. Jim Willis, and Councilman Jones advised that he knows Mr. Willis would not do this, could buy several houses in that block under the present zoning and establish a commercial business, and there is not anything anyone could do about it currently. He explained that by rezoning, they are going to protect their block from that happening. Councilman Jones reiterated that he knows Mr. Willis would not do that and he was only using him as an example. He stated that the Town will have to consider the size of the lots because if they rezone the property to R-1 Residential, which is the most restrictive zone, and a homeowner's house does not presently fit these requirements, that is acceptable, but if someone wants to come in and build a house and there is not a large enough lot to put an R-1 Residential house on, then they are going to have to apply for a variance or something of that nature. He inquired of Assistant Town Manager Moore if that is correct. Mr. Moore advised that is correct. Councilman Jones noted that possibly the R-2 Residential District could be considered. Town Manager Sutherland noted that across the street where Mr. Otey's and Mrs. Hughes' properties are located, it is currently R-3 Residential. Ms. Wilson inquired if the blocks had to be zoned the same where they abut or if it matters or if there is a better chance if it is the same zone. Mayor Crewe explained that spot zoning is illegal, and there cannot be one piece of property zoned differently than the property that surrounds it. Ms. Wilson remarked that their block would be abutting Mr. Otey's property. Councilman Jones pointed out that this is one of the things the Planning Commission will consider. Mayor Crewe advised there is another down side that no one has voiced, but is kind of obvious, and noted he wants to ensure that the Council does not miss it. He stated that he thinks Mr. Shuler's suggestion has some merit, but if the citizens wait three weeks and decide they want to initiate a rezoning, the citizens have lost a month's time. Mayor Crewe remarked that there is a time element involved in this matter. He explained that if they have the Town initiate it, and the Council takes action at this meeting, the process starts immediately, and it will be an agenda item for the June meeting of the Planning Commission. Mayor Crewe stated that the Planning Commission will set a public hearing for a meeting in July, and it will come to the Town Council in late July, and the Council would set a public hearing probably in August. He explained if the residents wait until June, three weeks from now, and ask the Town Council to initiate the rezoning or the citizens start the process, they have missed the June deadline for the Planning Commission meeting, and, therefore, the request will not go to the Planning Commission until July, they cannot act until August, and the Council will not receive the request until late August or September, and the Council cannot set their public hearing until September or possibly October, depending on which meeting it has to be. He explained that the down side from the neighborhood's point of view is they lose at least a month's time if they wait three weeks to make the request. He noted that having stated all of this, he inquired if he is reading faces correctly that the citizens still want the Town to initiate the review of the rezoning. Ms. Wilson inquired with the timing, if they had to make a decision at this meeting. Mr. Otey advised that the

residents do not have to do anything, and that the Town will initiate the rezoning process. Mayor Crewe remarked that if the citizens want the Town to initiate the rezoning process, the Town Council will have to take action at this meeting or at their meeting three weeks from now. He noted that the residents can request it any time, and if they desire, they can wait until the next Council meeting. Mayor Crewe pointed out that the residents can request the rezoning anytime between now and next week, and they can file their own request. Councilman Jones noted the citizens need to understand that if they wait until the next Council meeting, which is June 14, the Planning Commission will have already held its June meeting. Ms. Wilson advised that they will ask the Council to initiate the rezoning at this meeting. Mayor Crewe reiterated that by the time the Town Council meets on June 14, the Planning Commission will have already met, and their deadline for the June meeting will have passed. He stated that when the Town Council meets the next time, the citizens will need to have had their request on the Planning Commission agenda for June, or it will be considered at the Commission's meeting in July. Councilman Jones remarked that the sad part about this is even starting all of this, if someone ends up buying one of the properties before this process is finished, they are purchasing it under the M-1 Industrial zoning and will have a right to put a business on the property even though they will end up rezoning the property to residential. Mrs. Hughes pointed out that no one will be purchasing any of their properties. Councilman Jones advised that he knows this, but he wanted to explain this. Mayor Crewe noted if the residents did not want to decide in this way, that will be acceptable, and he does not want to put anyone on the spot. He stated he is trying to find a way to solve this matter. Mayor Crewe inquired of those residents in that neighborhood to demonstrate to Council by a show of hands as to what they would like for them to do. He requested that no one outside the neighborhood vote, and remarked that he knows most residents know where their house is located, but some people do not. Mayor Crewe requested those residents in that neighborhood who want the Town Council to take action at this meeting to initiate the rezoning by directing the Planning Commission to examine it to raise their hand. He then requested those in the neighborhood who do not want the Council to make this recommendation at this meeting to raise their hands. Mayor Crewe noted that no one voted on the Council not making this recommendation to the Planning Commission. A motion was made by Councilman Jones and seconded by Vice-Mayor King for the Town Council to recommend to the Planning Commission that they review rezoning the west side of South Fourth Street between West Madison Street and Railroad Avenue to a residential zone they believe is appropriate. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None. Mayor Crewe advised that the process begins now, and they will refer the matter to the Planning Commission. He stated so the residents will be aware, on June 10, 2004, at 7:00 p.m. in the Council Chambers is when the Planning Commission will meet again. Councilman Jones explained that all the Planning Commission will do at that meeting is set a public hearing. He stated the residents are welcome to attend the Commission meeting, but the Commission will not hold any discussion other than to set the public hearing. Councilman Jones remarked that when the residents should make sure they attend the meeting is on July 8 since that is when the public hearing will be conducted. Mr. Reese inquired if the Commission will only be considering rezoning the property between his property and the government surplus. Councilman Jones advised that is correct. Mr. Reese reiterated that he did not see what is going to change by rezoning it because the owners are not going to sell the property, and if they do not sell the property, they do not have to worry about it, and they are really only hurting themselves because if they want to sell their properties, it will be zoned residential. Councilman Jones advised that he understands that, but if that is what they want, it is their choice. He stated he understands what Mr. Reese is stating, but, at the same time, if someone offers one of the property owners \$100,000 or \$200,00 for their property, they may sell it, and the new owner could place a business in the block, and there is nothing anyone else in the block can currently do. Councilman Jones noted that they are protecting themselves, but in the long run, it may hurt them as far as resale of the property, but this is their decision. He remarked that all the Council is trying to do is accommodate the residents at the present time. Ms. Wilson noted if Pepsi came in and wanted to purchase the entire block, they could apply for another rezoning. Councilman Jones stated that is correct. Mayor Crewe stated he happens to know that one of the residents has a relative that is well versed in zoning regulations and law, and maybe he could be persuaded to assist in their decision making process. Mr. Coleman Shuler inquired as to how long would be an approximate time from now until a decision one way or the other would be made including the hearings, etc. Mayor Crewe noted he previously explained that it will be August or September, and this would be the fastest that a decision could be made. He advised that the Planning Commission will receive the request in June and set the public hearing for July and refer it to the Council, and the Council would set a public hearing in August. Mr. Shuler noted that August or September would be the soonest that a decision could be made, but noted if there are appeals or other hearings, it is possible it could be protracted a lot longer. Mayor Crewe stated that Council could refuse to vote, not have enough people for a quorum, or anything could happen that the Council does not pass it. Councilman Jones noted that Council

will receive the request on July 12, and they will set a public hearing, and inquired if July 26 would provide enough time for the legal notices. Town Manager Sutherland stated that the public hearing could not be held on July 26 due to the time required for the legal ads, and it would have to be the first meeting in August. Councilman Jones noted the Council would most likely hold the public hearing at the August 9 meeting. Mayor Crewe remarked that the citizens will see that the Council has a request later in the meeting to act on, and he cannot imagine, and cannot recall, the Council ever not making a decision on a request. He stated that something may have happened where this occurred, but the Council will vote one way or the other, and if the citizens do not like the decision, there are avenues of going to court, etc. Mayor Crewe noted that Council's decision on the matter under the section they have set up now will be August 9. Ms. Wilson advised that she requested Building Official Massie to speak to what this means for parking on their side of the street. Town Manager Sutherland advised that they would have to consider their side of the street as a residential district. Mayor Crewe indicated that this would mean no truck parking on that side of the street because of the 35-foot length restriction. Mr. Otey inquired if this would go into effect after the meeting and the rezoning. Mayor Crewe stated that is correct. Mr. Otey pointed out that Reese's Trucking is currently using the street for parking and inquired if that would be grandfathered. Mayor Crewe noted that the parking issue would not be grandfathered because they are using the public street and not private property.

Town Manager Sutherland inquired of Mr. Reese if he is in agreement that he will provide the improvements for the off-street parking prior to the June 14 meeting. Mr. Reese stated he is currently working on this. Mayor Crewe inquired if Mr. Reese will have the off-street parking in place. Town Manager Sutherland noted that by June 14, 2004, Mr. Reese will either be in compliance or in violation and inquired if that is correct. Mr. Reese stated he should be in compliance by that date. Town Manager Sutherland noted that he wanted Mr. Reese to understand that the Town is going to use the date of June 14, 2004, as the date to determine his compliance. Councilman Crockett advised that he has one more question and inquired of Councilman Jones regarding if the residents of that neighborhood make the determination between now and whatever other time that they may choose to not want the rezoning. He remarked that if the residents made the request, they could, obviously, initiate action to withdraw that request. Councilman Crockett inquired if the Town Council, through the Planning Commission, initiates the rezoning as to what the process would be to withdraw the rezoning and if it would be the same action if the neighbors came to the Planning Commission and requested that it not be approved. Councilman Jones stated that is correct, or the citizens could wait until the public hearing and request that the rezoning not be approved. He advised he knows of situations with the Planning Commission where they have received a request to change the zoning from R-1 Residential to R-1A Residential, and by the time it got to the Planning Commission for the public hearing, the meeting was full of citizens opposed to the request, and the person withdrew their request, and there was never a public hearing. Councilman Jones stated they could do it at that time or at the public hearing. Councilman Crockett noted it does not matter if the Town or the residents initiate the rezoning, they still have the option of withdrawing the request. Councilman Jones advised that is correct. Mayor Crewe pointed out that his advice to the residents would be to not miss the public hearing. He stated the citizens need to know what is happening, and the Planning Commission and the Town Council need to know what the citizens think. Mayor Crewe advised that he thinks the citizens can take away from this meeting the fact that this is how local government works and their voice will be heard. He explained if the citizens do not show up at a meeting, their voice is not going to be heard because there will not be anyone to speak. Mayor Crewe reiterated that the residents should not miss the public hearings and the meetings because they need to keep abreast of the situation. Ms. Wilson stated she was reprimanded today that she should have attended the Committee meetings. Town Manager Sutherland advised that this was his fault because he had indicated to Ms. Wilson that the Council was going to take care of it otherwise, but, obviously, it did not work out that way. Mayor Crewe indicated that what they are discussing is that the Town Council has two standing Committees which include the Public Works Committee, which are the two gentlemen to his right, and that is who had the issue over this, and they are Councilmen Weisiger and Crockett. He noted the Public Works Committee will report momentarily as to what their recommendation would be. Mayor Crewe advised that frankly, he thinks the citizens are going to hear a change because everyone knows what they are going to state. Mayor Crewe stated that the Public Works Committee normally meets on Tuesday morning at 7:00 a.m., but this week they will meet on Thursday morning. He noted that the Budget and Finance Committee consists of Vice-Mayor King and Councilman Jones, and they normally meet on Thursday mornings at 7:00 a.m., but this week, they will meet on Tuesday morning. Mayor Crewe remarked that these meetings are open to the public and everyone is welcome to attend at any time. He stated what Ms. Wilson is addressing is this issue was considered by the Public Works Committee two weeks ago, or 10 days ago, and it is going to be in their report that they will give momentarily. Mayor Crewe indicated that Ms. Wilson had a right to attend the meeting, and anyone can attend the meetings, and they are always open to the public. He stated that

once in a rare while someone will show up at a 7:00 a.m. meeting. Mayor Crewe explained that the reason they meet at 7:00 a.m. is so that they can conduct the meeting and go to work for those who have to go to a job. He noted that the meetings are every Tuesday and every Thursday at 7:00 a.m. Ms. Wilson inquired if they can call to find out what is on the agenda. Mayor Crewe stated that is correct and noted that the Council agenda can also be viewed on the web page if the residents have Internet capability. He noted that, likewise, the citizens can read the minutes of the Town Council meeting on the web page as well.

Mayor Crewe inquired if there are others who wish to address Council during Citizens' Period. He noted that anyone who noted they desired to address the Council has been heard from several times. Mayor Crewe noted he is not rushing anyone, and this is the only way the Council knows what the citizens think. He stated how the government operates is to have the citizens attend the meetings to tell them, and the Council appreciates the residents attending the meeting.

Mayor Crewe reiterated that if the citizens want to see how a rezoning or special exception permit application is handled, the Council will be considering one later in the meeting that the residents may learn from. There being no one else to address Council during Citizens' Period, Mayor Crewe proceeded with the agenda.

RE: OLD BUSINESS

Town Manager Sutherland advised that he did not have any Old Business to report.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, stated that later in the meeting, the Council will consider the budget for fiscal year 2004-2005 on the first of three readings. He indicated that the combined total of the General Fund and the Water/Sewer Fund is \$20,085,940. Councilman Jones stated that as they noted last week, \$7 million of this total appropriation represents construction work that will be performed on the new Community Center during the upcoming fiscal year. He advised, therefore, when viewing it in terms of normal operational expenditures, the budget amount totals \$13,085,940. Councilman Jones explained that there are several components within the revenues and appropriations as currently drafted. He stated that first, the Town's employees will receive a two percent cost of living increase, and approximately forty percent of the Town's employees will receive an additional one percent merit pay increase for exceptional performance on their annual evaluation. Councilman Jones remarked that the various departments are generally being held to the levels of appropriations that are in the current year's budget, with the exception that each department's line items for payroll and associated expenses have been adjusted to accommodate the pay increases. He stated it is the Committee's plan that as the budget goes through the Council's deliberations, they will give each department head the total amount of appropriation for their department and then ask them to resubmit to the Committee a balanced line item budget for their review. Councilman Jones indicated that there are certain increases proposed for both the General Fund and the Water/Sewer Fund. He noted with regard to the General Fund side of the budget, there are two increases proposed. Councilman Jones stated that the first increase would be to revise the tax on cigarettes by increasing the amount per pack by \$0.06, making the local taxation on a pack of cigarettes of twenty-five or fewer a total of \$0.09. He remarked that this additional \$0.06 per pack tax will generate approximately \$101,250 per year. Councilman Jones stated the second increase the Council has included in the budget is an increase on the E-911 tax. He advised that currently, the tax rate for E-911 is \$1.00, and the proposed rate is an increase to \$2.00. Councilman Jones noted that this increase will generate an additional \$71,000 in the upcoming year. He stated the Committee thinks this tax is equitable in that expenses incurred at the Communications Center for equipment, personnel, and services to handle the E-911 surcharge pays for only about one third of the Communication Center's expense. Councilman Jones pointed out that these mandated programs are not sufficiently funded by the State. He noted there is proposed in the budget that will be considered later in the meeting an increase to water and sewer consumption charges. Councilman Jones advised that the Council is proposing that the increase this year be established at ten percent. He noted that the Water and Sewer side is currently in debt to the General Fund, and there are still numerous projects that are needed to enhance the Town's system in the very near future in order to proceed with the connection to the regional water system with Wythe County and Carroll County. He remarked that clearly, the revenues generated by the Water/Sewer Fund are not sufficient to meet the Town's current and future expenses. Councilman Jones noted that one other item the Council has discussed, but has not taken any action on up to this point, is the increase in connection fees. He stated the Water and Sewer connection fees of the Town of Wytheville are far less than any of its neighbors. Councilman Jones indicated that this may be one area where the Town can gather some additional revenue for the Water and Sewer Fund.

He stated that as the Committee mentioned earlier, the budget will be considered on the first of three readings later in the meeting. Councilman Jones explained that a public hearing with regard to the budget has been scheduled for June 14, and the Council will, at that point, hear the budget on the second of three readings. He noted that the final reading of the budget is scheduled for June 28. Mayor Crewe indicated that this meets the July 1 deadline to have it in effect by June 30. Councilman Jones stated that is correct. Mayor Crewe advised that the Council will consider the budget later in the meeting.

Councilman Jones also reported that the Committee has attached for the Council's review, a set of guidelines and a schedule of charges for the use of the Heritage Preservation Center. He stated that both Committees have had the opportunity to review these guidelines and proposed charges, and Director of Museums Emerson would ask that the Council take action to adopt them so that they can become effective. Councilman Jones indicated that the Committee thinks everyone is familiar with Director of Museums Emerson's proposal, but the Committee would be happy to entertain any questions the Council may have. He stated it would be the recommendation of the Budget and Finance Committee that the Heritage Preservation Center Usage Guidelines and Schedule of Fees be adopted and that provisions within become effective immediately. A motion was made by Councilman Jones and seconded by Vice-Mayor King that the Council adopt the Heritage Preservation Center Usage Guidelines and Schedule of Fees and that they become effective immediately. Mayor Crewe inquired if there is any discussion on the motion. Councilman Crockett inquired if the Town currently has no fees on any of these. Mayor Crewe advised that is correct and noted this is the initial set of regulations. Mayor Crewe inquired if there is any other questions or discussion. Councilman Jones stated he has a question on one of the fees. He noted under "Private Party – Wythe County with dance or alcohol," an additional hour is \$37.50, but on the "Private Party – other counties with dance or alcohol," it is only \$15.00 for each additional hour. Councilman Jones stated this seemed to be an error. Mayor Crewe indicated that he thinks this should be \$45.00 per hour. He noted that they discussed the out-of-county being charged more than in-county. Councilman Jones advised that he is referring to Page 6 of the fees. Mayor Crewe indicated that it is the third and fourth entry in that column and it is the "Private Party – Wythe County with dance or alcohol," and "Private Party – other counties with dance or alcohol." Town Manager Sutherland noted that something is inequitable with this. He stated he also believes that the "Private Party – other counties with dance or alcohol" fee should be \$45.00 for each additional hour. Mayor Crewe remarked that he is reviewing the remainder of the rates, and noted that the "Private Party – Wythe County" is \$25.00 each additional hour, and "Private Party – other counties" is \$30 each additional hour. Councilman Jones indicated that the one he is reviewing is "Private Party – Children Under 12, Wythe County" and "Private Party – Children Under 12 – Other Counties" but that has no alcohol. Mayor Crewe noted what he is stating is on all of the fees, Wythe County is less than the other counties would be, but the question is how much less. He stated that most of them are \$5.00 less for Wythe County, and if "Private Party – Wythe County with dance or alcohol" is \$37.50, and the "Private Party – Other Counties with dance or alcohol" is \$45.00, that is \$7.50 more rather than \$5.00 like the other ones. Mayor Crewe advised that the \$37.50 figure is the only figure that is not an even dollar amount. He inquired if both of these figures are out of line. Councilman Jones indicated that he felt the Museum staff knew what they were doing, and he only had the question on the one charge. Mayor Crewe remarked that he is glad Councilman Jones saw this error. Town Manager Sutherland indicated that he thinks \$45.00 would be a reasonable figure for the "Private Party – other counties with dance or alcohol." Mayor Crewe inquired if they are suggesting leaving the \$37.50 charge and change the "Private Party – other counties with dance or alcohol" to \$45.00 for each additional hour. Mayor Crewe inquired if this is an amendment acceptable to the Budget and Finance Committee. Councilman Jones and Vice-Mayor King stated this is an acceptable amendment. A motion was made by Councilman Jones and seconded by Vice-Mayor King to amend the Heritage Preservation Center Schedule of Fees to change the "Private Party – other counties with dance or alcohol" to \$45.00 for each additional hour. Mayor Crewe noted this will now change the number "1" to a "4" so that it reads \$45.00 for each additional hour rather than \$15.00 for each additional hour. He inquired if there is any discussion on the amendment. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None. Mayor Crewe inquired if there is any other discussion on the motion to adopt the Heritage Preservation Center Usage Guidelines and Schedule of Fees. Councilman Crockett inquired as to how these rates compare, and noted that he is particularly interested in non-profit, in relation to what the Town charges at the Community Center. Town Manager Sutherland stated that Assistant Town Manager Moore or Town Treasurer Stephens may be able to answer this question. Mayor Crewe advised that he thinks they are the same. Assistant Town Manager Moore indicated that these fees reflect the fees charged at the Recreation Center. Councilman Crockett inquired if the Council has waived fees for various organizations at the Community Center. Mayor Crewe answered that is correct. Town Manager Sutherland pointed out that there are certain organizations that receive an

automatic waiver. Mayor Crewe indicated that this would not apply to the Heritage Preservation Center, but it would for the Recreation Center. Councilman Crockett inquired if they are defined in these regulations. Mayor Crewe indicated that there are no groups named as an automatic waiver. Town Manager Sutherland noted that the Historical Society is one of the groups that would receive a waiver. He noted that on Page 5, at the top, it defines the non-profit groups. Councilman Crockett inquired if this refers to groups with a 501(c)(3) status. Town Manager Sutherland advised that is correct. Mayor Crewe noted that this is one category of the non-profit organizations. Councilman Crockett noted that at the top of Page 5 is the "Interpretation of Fee Schedule" and inquired if the Council is stating they are going to charge every organization. Town Manager Sutherland advised that is correct except for the Historical Society and other organizations that have made contributions to the facility. Mayor Crewe noted this information is on Page 4, the last paragraph, and it states, "As the Friends organizations for the Department of Museums, the Wythe County Historical Society and the Friends of the Homestead may use the education room free of charge at all times." Mayor Crewe noted this is what he thinks Town Manager Sutherland is searching for. He stated that on Page 5, it tells the organizations which category they fit into, and then they can look up the rate. Mayor Crewe pointed out this does not mean that the Council cannot waive fees because they can if they desire, but it is not automatic waiver. Councilman Crockett noted what he is looking for that he does not see is that any organization could request the Council to waive the fees like at the Community Center, and with the exception of the last paragraph, organizations do not have that option and inquired if that is correct. Town Manager Sutherland stated he is unsure if he understands the question. Councilman Jones advised that Councilman Crockett is stating that these regulations do not state that an organization can request a waiver of fee as established. He noted it is his understanding that any organization can request this of Director of Museums Emerson, as it is done similarly with the Recreation Commission, and Mrs. Emerson can make a recommendation to the Council as to whether or not the fee should be waived, and it would be the Council's decision. Town Manager Sutherland stated he thinks this would be a reasonable approach. Councilman Crockett stated he does not recall how it reads at the Community Center whether it has that option or stipulation in there that organizations can request waiver of fees. Mayor Crewe indicated that it is not in the regulations except for those organizations that contributed money to build the Recreation Center in the beginning. He advised that these organizations have requirements about their fees being waived, but at the Recreation Center there are certain organizations that are automatically waived. He noted this does not apply to the Heritage Preservation Center because no one contributed money to build it. Mayor Crewe stated there are the automatic provisions for the Friends of the Homestead and the Wythe County Historical Society to meet free, but any other organization is in the same category, and whether it is at the Heritage Preservation Center or the Recreation Center, they can apply for a waiver of fee, but they are not automatically exempt. Councilman Crockett stated that the Town has received various requests, and noted it is probably one dozen per year or it seems to be this many, from various organizations that have requested use of the Community Center, and they requested a waiver of fees, and the Council has waived those fees. He inquired if this is or is not an option that the organizations could request a waiver of fees. Mayor Crewe noted that requesting a waiver of fee is always an option. Vice-Mayor King stated she agreed. Mayor Crewe stated it does not mean the Council is going to grant the waiver of fees, but the organizations can request it. Vice-Mayor King noted that she believes Director of Museums Emerson's thinking is that they have to open the building up at nighttime, and Mrs. Emerson would have to come and stay at the building the entire time that someone is meeting there. She stated at the Recreation Center, there is always someone there at nighttime. Mayor Crewe indicated that the hours of operation are different at the Heritage Preservation Center than at the Recreation Center. Vice-Mayor King stated that Mrs. Emerson would possibly have to pay someone extra to stay at the Heritage Preservation Center during the meeting times to make sure the building is cleaned, etc. Mayor Crewe noted if he understands Councilman Crockett's question correctly, these regulations do not provide for anyone to receive a waiver of fee. Mayor Crewe indicated that the regulations also do not state that someone cannot receive a waiver of fee. He noted the only organizations that are waived are the Wythe County Historical Society and the Friends of the Homestead. Mayor Crewe reiterated that these two organizations are automatically waived, but it states they may use the education room free of charge, but they do not have to use it free of charge, but they could be waived. He remarked that for any other organization, it does not state they shall or shall not be waived. Mayor Crewe indicated that he believes this is the way the Recreation Department is operating with the exception of the groups who contributed to the construction of the building. He inquired if there is any further discussion. Councilman Crockett stated he did not mean to belabor the point, but it seems as though the class he belonged to in high school made several contributions to the Library Building at one point or another. He inquired if his statement is true if this would indicate that they would have no fees or not. Mayor Crewe explained that under these regulations, it is not an automatic waiver, but it could, certainly, be requested to be waived. Town Manager Sutherland stated that it does provide under the fee schedule that "Organizations that provide volunteer services and/or contribute funds of at least \$1,000 annually....may use the education room during the

hours of 8:00 a.m. to 5:00 p.m. free of charge...” Mayor Crewe pointed out that the guidelines do not include or exclude this, and it is a case-by-case decision. Councilman Jones advised that Ms. Emerson can always take what Councilman Crockett has stated and come back and request an amendment to the policy and guidelines if this is the case. Vice-Mayor King noted she thinks most people would appreciate the fact that they have a nice place to meet and would not mind paying the fee. She indicated that she does not think the prices are high. Mayor Crewe noted they can reserve the conference rooms in the Municipal Building, and it is not as though there are not other meeting facilities available, and it is not as though they can only meet at the Heritage Preservation Center. Vice-Mayor King pointed out that the elevator is in the Heritage Preservation Center, and staff would need to be at the building in case it got stuck, etc. Mayor Crewe inquired if there is any other discussion. There being none, the motion to approve the Heritage Preservation Center Guidelines and Schedule of Fees as amended was approved with the following voting results: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger. Against: Charles G. Crockett. Mayor Crewe noted that the guidelines and fee schedule will become effective immediately. Mayor Crewe indicated that the Council could follow up with Director of Museums Emerson about the waiver of fees. Town Manager Sutherland remarked that he is still unsure he understands what Councilman Crockett is asking, and inquired if Councilman Crockett is stating that there should be a sentence in the guidelines that states an organization can request waiver of fees. Councilman Jones advised this is what Councilman Crockett is stating. Mayor Crewe indicated that Councilman Crockett is stating there should be a mechanism establishing the waiver of fee. Vice-Mayor King advised that she thinks the Town can state this without it being in the guidelines. Councilman Jones stated that is correct. Mayor Crewe indicated it does not have to be a part of the policy for someone to request a waiver of fee. Vice-Mayor King noted it is everyone’s right to ask for a waiver of fee. Councilman Crockett stated this was his question of whether the Council needed to have this sentence in the policy or whether it is the Community Center policy. He explained that he knows the Town has waived a number of fees for various organizations who, obviously, did not contribute money into the Community Center at some point. Vice-Mayor King indicated that she thinks these are two completely different things. Councilman Weisiger pointed out that whether the sentence regarding the waiver of fees is in the guidelines or not, citizens can still ask for a waiver of fee. Vice-Mayor King advised that is correct. Mayor Crewe noted that Council has had people request that property taxes be waived, and he explained that there is no law stating the Town can waive this either. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Weisiger, reporting for the Public Works Committee, stated that at the last meeting of Council, Mr. J. B. Willis, who is a resident of the Meadows of Pine Ridge Subdivision situated on the south side of West Ridge Road, requested the Council to consider applying a coat of asphalt paving to the streets within the neighborhood. He noted that Mr. Willis also acknowledged that there are approximately twelve lots left on which new homes could be constructed. Councilman Weisiger indicated that the Committee has reviewed the inquiry of Mr. Willis and agree that some patching is required. He stated Town forces have attempted to maintain these streets in good condition, but, due to the volume of construction that has occurred in this neighborhood, the streets are being regularly torn up by the heavy equipment involved with the construction. Councilman Weisiger stated it is the recommendation of the Public Works Committee that the Council ask the Public Works Department to continue its efforts to maintain these roadways to the best extent they can and that the Town place paving of the streets within the Meadows of Pine Ridge Subdivision as a priority on the paving list for next year. Mayor Crewe inquired if Mr. Willis would like to respond or make any comments. Mr. Willis stated he would like to thank the Council for placing the paving of the streets of the Meadows of Pine Ridge Subdivision on the paving list for next year. Vice-Mayor King advised Mr. Willis that she did give Town Manager Sutherland the map he gave her. Mr. Willis thanked Vice-Mayor King for doing this. Mayor Crewe indicated that he would assume the Council does not have any problems with putting this on the paving schedule for next year because everyone has reviewed the matter. It was the consensus of the Council that they will adopt this portion of the Public Works Committee report and place the paving of the streets within the Meadows of Pine Ridge Subdivision as a priority on the paving list for next year.

Councilman Weisiger also reported that the Council has received a number of inquiries from Ms. Mabel Jo Wilson and other residents in the vicinity of Reese Trucking Company situated at Fourth and Madison Streets. He indicated that residents in this area have complained that the trucking operations often cause the street to be blocked and have created parking problems for certain residents within the neighborhood. Councilman Weisiger noted that this area is zoned M-1 Industrial, and, therefore, the operations of the Reese Trucking Company are not a violation of the Zoning Ordinance. He stated, however, that Reese Trucking Company has changed, somewhat, its business operations since they began, and will necessarily need to perform

certain work to be in compliance with Building Code Regulations. Councilman Weisiger remarked that the Town has met with Mr. Reese, and he has agreed he will make the necessary modifications and will also create, to the extent possible, additional off-street parking. He stated that Mr. Reese also advised that he will make every effort to make sure that trucks do not impede traffic flow within the neighborhood. Councilman Weisiger advised that the Town received a call from Ms. Wilson last week who noted that Mr. Reese's efforts had been helpful, and she and the rest of the neighborhood hoped that the other measures he was taking would all work out well. He noted that the Committee thinks, also, it would be helpful, particularly to the Umberger property, to prohibit parking on the west side of South Fourth Street between Madison Street and Railroad Avenue, and, at an appropriate location within that block, to create three handicap parking spaces. Councilman Weisiger advised that unless the Council desires for the Committee to proceed in some other direction, they will ask the Public Works Department to take these actions. He noted he thinks this is the part of the report that will not be adopted. Mayor Crewe remarked that what he thinks he heard, at least, Ms. Wilson stating, and several other neighbors agreed, was they do not want this to be done. He noted for the Council desiring to proceed in some other direction is basically what the Council did with its motion to the Planning Commission. Mayor Crewe inquired as to the pleasure of Council and if they would like to do this or just let the matter lie. Councilman Crockett indicated that possibly he missed something, and noted there are two homes there with Mrs. Tavenner's home facing Madison Street and the other home directly behind her home, as he understands, faces Fourth Street. He stated what they were stating is if the Council puts "No Parking" there, it would restrict those people who live there from parking their vehicle. Councilman Crockett noted if he understood it correctly, they are speaking of having one-half of a block of "No Parking" and noted he is unsure if this is what the Council wants to do, but he is stating this is the impression he got was that they were stating the Council could have "No Parking" on part of the block, but they cannot do it on the other part. Councilman Weisiger pointed out that he never heard that. Mayor Crewe indicated he heard Ms. Wilson state to leave the parking situation alone until they see what the rezoning is going to do, and then they do not want Mr. Reese parking any vehicles that large on their side of the street which is why they want the rezoning. He indicated this is the way he heard it. Town Attorney Kaase stated that is correct. Mayor Crewe pointed out that he thinks the residents need to be worried about it, as several people pointed out including Mr. Reese, that if the residents get the rezoning, they may have done themselves some harm in terms of property values, resale, and other options. He indicated this is why he stated at least five times that if the residents rezone the entire neighborhood, it still does not shut Mr. Reese down. Vice-Mayor King inquired if the Council thinks this information should be in a letter form to the residents before this proceeds. Mayor Crewe stated he thinks the Council should let the Planning Commission proceed. He noted he did not know if it will be rezoned to R-1, R-2, or R-3, and advised that he cannot imagine it being rezoned to R-1 Residential. He noted he thinks the R-2 or R-3 zone would be more appropriate, but it will be up to the Planning Commission to review the matter and determine the appropriate zone. Councilman Crockett indicated that the question he has is if the Council wants to amend the report to indicate that the Council is not going to consider the parking. Mayor Crewe remarked that this is why he stated that the last sentence in the report states, "Unless the Council desires for us to proceed in some other direction..." He noted he thinks there is an argument that Council desires to proceed in some other direction, namely the motion they just passed, to refer it to the Planning Commission. Councilman Weisiger advised that he thinks the Council has already acted on another direction. Mayor Crewe noted he believes this is one interpretation on it, and indicated it may not be the only interpretation. He stated what he thinks he is hearing is that the Council has taken another action and sent some other directions, and, therefore, the Council will not adopt this portion of the Public Works Committee report yet, and the Council will wait to see what the rezoning does, but not change the current parking. Councilman Crockett indicated that looking at all of that discussion, he is not entirely sure regarding the rezoning, and noted he can see it both ways as to some protection, but he can also see it related to possibly placing themselves in a box where they cannot, without rezoning a second time, sell their property at a higher use value. Mayor Crewe indicated that this is also his concern. Councilman Crockett stated that it is their decision to request the rezoning. Mayor Crewe advised that sometimes people need to be careful what they wish for because they may get it. Councilman Crockett indicated that this is why he asked the question regarding if the residents chose to withdraw their request at some point and what this option would be. Mayor Crewe advised that he thought this was a cogent comment that once the Town starts this process that the residents do not have control of it. He noted the residents can oppose what the Town suggests, but he does not think they can withdraw the application because it is not their application. Vice-Mayor King indicated that Mr. Reese stated that by the end of the week that he hoped to have his parking situation completed, and advised that possibly this will come to pass. Mayor Crewe noted this may happen, but what he is concerned about is that parking was only a small part of what they were complaining about. He stated that parking may have been a focal point, but indicated all of the rezoning is not going to make Mr. Reese's loading dock long enough to accommodate a truck, and this was one of the big issues that he heard, and indicated he does not think this problem is going to go away.

Councilman Jones indicated that the residents have two and one-half months to change the rezoning because it can still come to the Town Council and either at the setting of the public hearing or at the public hearing, the residents can request the rezoning not be done regardless of what the Planning Commission has recommended. Mayor Crewe indicated that what he is stating is that he would think it unlikely that the Town would state they are going ahead with the rezoning although the residents may not want to, but it is not impossible because it is not the residents' application at that point. Councilman Jones stated he agreed. Mayor Crewe continued that if the residents were the applicant, they can state they withdraw the application, and the Town would not vote on it. Councilman Jones advised if this is what the residents wanted, he would, certainly, be in agreement with it. Vice-Mayor King inquired if Ms. Wilson stated something about if the "No Parking" signs were put on that side of the street the lady behind her would not have any place to park. Town Manager Sutherland stated that is correct. Mayor Crewe indicated that this did not make any sense to him either and that she should be able to park on the other side of the street. Councilman Jones inquired if they wanted the three handicap parking spaces. Town Manager Sutherland remarked that this was all a massaging of the issue two weeks ago when this was written, and it seemed to be a solution at that point in time. Mayor Crewe stated he thinks that things have changed since this report was written. Vice-Mayor King noted that things escalated. Mayor Crewe commented that he did not think this issue is going to go away. Vice-Mayor King agreed. Councilman Crockett stated he has a question, and he wanted to ask this previously but he did not. He advised that if the Town does not restrict parking in that area, and they were to come along and park one half dozen cars on the west side of the street, where it would almost make it impossible for Reese Trucking to load a vehicle without hitting about one half dozen of those vehicles, what action takes place. Councilman Weisiger remarked that he wondered this as well. Mayor Crewe stated he thinks Mr. Reese will be coming in and asking for "No Parking" on his side of the street to keep the residents from parking there. Councilman Weisiger stated the residents have a right to park there. Mayor Crewe pointed out that the residents and Mr. Reese can park anywhere they want to. Town Attorney Kaase indicated that they could go into the limousine business and park limousines on the street. Mayor Crewe stated the Council has also reviewed this type of issue. He noted that the longer the vehicle, the bigger the problem. Councilman Crockett advised that they could have a large problem on their hands if they park their vehicles on the west side of Fourth Street where he could not possibly load, and inquired as to what the recourse would be. He inquired if they would come before the Council. Mayor Crewe stated it would become a lawsuit for the interference of the usage of Mr. Reese's property. He noted that Mr. Massie is going to get all of this worked out and possibly everyone will be happy with the end result. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

Mayor Crewe stated he is now going to skip the Budget Ordinance and go to Agenda Item J-1 and consider the Graham special exception permit request.

RE: SPECIAL EXCEPTION PERMIT - GRAHAM

Mayor Crewe stated the next agenda item is the consideration of the recommendation of the Planning Commission regarding the request of Mr. Michael B. Graham for a special exception permit to operate a commercial office building at 495 North Fourth Street which is located on the west side of North Fourth Street between Pine and Spiller Streets in an R-2 Residential District (southwest corner of Fourth and Pine Streets). He noted the Council has received the recommendation from the Planning Commission after their public hearing that the special exception permit be granted with certain stipulations. Mayor Crewe advised that the Council needs to conduct a public hearing, which can be held June 14, 2004, at 7:00 p.m. He inquired if any Council member has any problems with scheduling this public hearing for the June 14 meeting. A motion was made by Councilman Jones and seconded by Vice-Mayor King to set a public hearing for the June 14, 2004, Council meeting to consider the request of Mr. Michael B. Graham for a special exception permit to operate a commercial office building at 495 North Fourth Street which is located on the west side of North Fourth Street between Pine and Spiller Streets in an R-2 Residential District (southwest corner of Fourth and Pine Streets). Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, Charles G. Crockett. Against: None.

RE: ORDINANCE NO. 1172 – BUDGET ORDINANCE

Mayor Crewe presented Ordinance No. 1172, the Budget Ordinance for fiscal year 2004-05, on first reading. A motion was made by Councilman Jones and seconded by Vice-Mayor King to adopt an appropriate departmental budget set forth in Ordinance No. 1172 on first reading. Mayor Crewe inquired if there is any discussion on the budget. Councilman Crockett stated he

has comments to make regarding the budget. He noted that over the time he has been on Council, eight years, he has had more difficulty with understanding the budget in reference to how the Town continually runs surpluses, and then the Council adds certain fees as they have done over the years. Councilman Crockett indicated he has a list of the fees that he had Town Clerk Hackler to run for him. He stated that going over them, he noted that last year, the Council raised fees from three percent to six percent on lodging and meals taxes, and this was designated for the Community Center project. He noted that then there is an increase in the E-911 tax. He noted then there was the Cellular Tower Application fees in 1989, and there was also an increase in the soil erosion permit that was initiated. Councilman Crockett continued that there has been an increase in the recreation usage fees in 1997, and a weed control fee increase in 2002. He stated there was a cell phone tax increase in 1996 and a decal fee increase in 2001. Councilman Crockett noted that there is a proposed increase in the cigarette tax, and then there is a driveway entrance permit, which is a reimbursed fee. He indicated that these are all the increases on the General Fund side. Councilman Crockett noted on the Water/Sewer side, the Council is well aware of the fact that the Town has had rate increases in 1996, 1998, 2000, 2001, 2002, 2003, and 2004, and the Council is currently talking about raising water/sewer fees again. He explained what he has trouble with more than anything else is understanding why the Council should be in the position of raising any tax fees, particularly on the General Fund side, when the Town is running surpluses. He noted the Council has the report that he presented. Councilman Crockett advised that he is unsure if anyone ever reads the reports, but he compiles them. He noted when he looks down the report and sees a \$6 million surplus over that period of time, it makes him wonder why the Council is increasing any fees of any type and not withdrawing from reserves. Councilman Crockett advised that when he comes down further in the report, the other thing he always brings up is the Bag It & Tag It System that the Town has which generates very little revenue as the Council can see on Page 2. He stated the Town has supplemented the Bag It & Tag It by about \$2 million. Councilman Crockett reiterated that he wonders how the Council can continue to go up on fees and taxes and yet run surpluses, and noted this simply does not make any sense to him. He remarked that when he comes back and looks at this year's budget on Page 3, he has attempted to project, based on previous years, etc., what the Town may expect in revenue, etc. Councilman Crockett stated when he comes down to the bottom line, the Town has amended the budget recently, and changed the use of reserves. He noted if his figures turn out to be fairly close to being accurate, the Town will not need to withdraw any funds from reserves, and noted, in fact, the Town will probably have \$62,000, if this is correct. Councilman Crockett indicated that this includes making payments for grading, etc. at the Community Center and also takes into consideration that the Town is reserving \$675,000 to go in the reserves for the meals and lodging taxes. He stated he keeps wondering why the Council should increase fees. Councilman Crockett noted there is an expression that some of the Council may recall who have been around for a number of years of Mr. Williams, when he was editor of the *Enterprise*, who used to use an expression sometimes dealing with the "octopus on the Potomac." He stated he spent some time in Washington and he did not go down to the Potomac very often, but he never did see an octopus down there, but possibly he did not go down at the right time. Councilman Crockett noted that sometimes he wonders if the Council is not the "octopus on the town branch" when they continue to raise fees and taxes when they are running surpluses. He pointed out that this, certainly, does bother him that the Council is doing this. Councilman Crockett stated as far as the cigarette tax goes, since he does not smoke, he does not care what the cigarette tax goes to, but he does not think it is necessarily fair. He continued that this bothers him when the Council initiates fee increases when the Town is running surpluses, and noted he does not think this is fair to the citizens and advised that he has not felt this was fair for the last eight years the Council continues to run surpluses. Councilman Crockett stated that, obviously, on the Water/Sewer side, the Town has been running deficits on the Water/Sewer side, and he stated he thinks the Water/Sewer Fund owes the General Fund \$3 million and inquired if that is correct. Town Treasurer Stephens advised that he does not know the exact figure. Councilman Crockett reiterated that the Water/Sewer Fund owes the General Fund a large amount of money. He stated that he can come nearer to seeing a rate increase on the Water/Sewer side except that he does not think the Council necessarily should have always take an action on the budget on the Water/Sewer side that they have. Councilman Crockett indicated that he knows one report he gave to the Council several months ago dealt with expenditures in May and June, which are always exceedingly high for the water and sewer. He noted he thinks the Council should still take some long looks at working on this end of it. Councilman Crockett stated he does not know whether a ten percent fee is appropriate for the water and sewer or not, but noted he thinks the Council owes it to the citizens not to continue to raise fees regardless of what they may be on the General Fund side when the Town is running surpluses at the rate it is running them. Mayor Crewe thanked Councilman Crockett for his comments and noted he is sure the rest of Council does. He inquired if there is any other discussion on the Budget Ordinance. Councilman Jones stated he is not going to discuss the first part, at least not yet anyway, but noted he concurs with Councilman Crockett on the second part as far as the water and sewer. He noted he reviewed Councilman Crockett's information,

and this is not the first time Councilman Crockett brought this study to the Council's attention. Councilman Jones advised that he certainly agrees with Councilman Crockett, and he always wonders why the last two months there are always high expenses. He stated that possibly there are some ways to control this. He advised one of the things the Council stated last year was that they did not want the Water/Sewer side to start any projects that they could not complete during the course of the year. Councilman Jones noted he is going to be interested that come the end of June, which projects will not be finished that they are supposed to have finished. Town Manager Sutherland indicated that the Town just awarded the Sewer Interceptor Project. Councilman Jones advised he is not talking about something that starts new. He noted he thought possibly the Council was going to make some type of recommendation on the Water/Sewer side, and possibly he misinterpreted that, but, noted that he personally has a little bit of a problem with a ten percent increase in one year. Councilman Jones advised that he thinks the way the Council had it before, which was where the Town raised it a certain amount per year over five years, is a better way to do it. He noted without trying to get into a long debate, what he would like to see the Council do is instead of a ten percent increase in one year, and noted that, obviously, this is not totally going to solve the problem, is have a three percent increase over five years with the increase starting January 1, 2005, like the Town has been doing it rather than starting the increase in the middle of the year. Councilman Crockett stated he would concur with Councilman Jones and noted he thinks this is a very good point. He noted he thinks he mentioned not in the past meeting, but in one of the meetings, that Culpeper, and advised he may be wrong about the locality, has a built in increase for 10 or 15 years, or whatever amount of years, of some minimum percent every year. Councilman Crockett stated he thinks anyone who looks at the water rate can look in the future five or ten years and see what the rates are going to be. He reiterated he would concur that if the Council has to raise the fees, this is a much better system than ten percent all in one year, whatever that rate increase may be per year. Councilman Crockett stated if the Council has to raise the rates, this is a much better approach. Mayor Crewe noted this is something the Council can work with as they go through the readings if needed. Councilman Crockett indicated that he thinks the Council needs to examine some of the ways in which the departments function on the water and sewer side. He noted there is one other point, and noted he is looking at this budget, and advised that he went through it a little this evening looking at the current expenditures. Councilman Crockett stated it appears on the General Fund side that every year the Town initiates a spending of a couple hundred thousand dollars of items that are never on the budget. He advised that in some cases, they find that they amend the budget to incorporate them, and in some cases the Council does not amend the budget. Councilman Crockett remarked that sometimes the question comes up whether the Council can do something or not, and the consensus is there is extra money available. He noted maybe if there is extra money available, the Council should have had a contingency fund to work with as opposed to just having certain items "padded," if the Council wants to use this expression, and not money available somewhere. Councilman Crockett advised that possibly the answer is to state that it is a contingency fund with "bare bones" every budget, and state that there is a contingency fund, for example, of \$250,000 or whatever the amount is and then every time the Council chooses to fund an item that is not budgeted, the Council considers how much is left in the contingency fund. He explained if there is no money left in the contingency fund, it is up to the Council to make a decision as to whether the money comes out of reserves or where it comes from, or the job will not be performed. Councilman Crockett stated he thinks this is one of the answers the Council needs to consider in the long term. Councilman Jones stated he concurs from this standpoint, and his view on it is he knows the Council receives additional requests for different things, and his feeling parallels Councilman Crockett's feeling to a certain extent in that rather making the change then, the Council can wait and see how that department's budget goes for the year because they may end up at the end of the year with enough money to do what they want to do without the Town having to make any changes. He explained if this is not the case and there is no other money to be found, then this is when the request has to be made to Council to pull money out of the reserves in order to take care of it if it is necessary. Councilman Crockett noted that it may be, based on what Councilman Jones just stated, that amending the budget early on is not necessarily the answer. Town Manager Sutherland advised that technically this is not happening and inquired of Town Treasurer Stephens as to when this technically happens. Town Treasurer Stephens noted that last year, it was at the end of the year. Mayor Crewe advised that the Council did one budget amendment at the end of the year. He noted this is what Councilman Jones suggested to do was wait until the end of the year, and it was amended at the Joint Governing Bodies meeting. Mayor Crewe noted this year, the budget amendments will be considered at the June 28 Council meeting. He noted the Council has not made any budget amendments this year except for the two big projects, which were the grading for the Community Center and the Visitor's Center. He noted the Council went ahead and amended the budget for these two large items. Councilman Jones stated that not to belabor the point, but he concurs with Councilman Crockett about the size of the reserves, but asked Councilman Crockett to understand that the Town needs to have some reserves. He noted that based on the Town's present reserves, they are acceptable, but one of the things he has stated he is looking for is to use quite a bit of the

reserves toward the Community Center versus borrowing the money. Councilman Jones stated he receives the arguments that the Town can borrow the money cheaper than the Town can take it out of reserves. He noted that currently what the interest rate is for borrowing the money versus what it is for earning money, the Town is not earning much money on the reserves. Councilman Crockett indicated that he thinks the Council has to look at this at every point. He noted he asked the question about the \$750,000 for the grading, or whatever that figure is, if this was going to be or could be included in the overall loan. Councilman Crockett stated as he understood the comments, it was depending on the Council's actions, etc., and that it could possibly be included. He noted this would give the Town \$750,000 more money in the reserves. Councilman Crockett stated he would concur that it does depend on the interest rates at that particular time, and trying to forecast what they will be in three to five years brings up a lot of very interesting questions as to whether it is logical to borrow money or to use reserves. He noted he would agree there are a certain amount of reserves necessary, but he is extremely concerned about the amount of money the Town has been putting into reserves. Mayor Crewe inquired if there is any other discussion. He noted he is assuming that the Council is ready to vote. Councilman Jones inquired if the Council is voting on a ten percent increase or on three percent increase for five years. Mayor Crewe noted what is in the budget currently is the ten percent. Councilman Jones stated he is going to vote nay if the ten percent increase is in the budget. A motion was made by Councilman Jones to amend the budget to change the increase in the water/sewer to three percent for each year for five years effective January 1, 2005. The motion was seconded by Vice-Mayor King. Mayor Crewe noted the motion is to delete the ten percent increase and to replace it with a three percent increase per year for five years. He 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 noted the Budget Ordinance is now amended. He advised that the Budget Ordinance as it currently stands provides for a three percent increase each year for five years rather than the ten percent that was originally proposed. Mayor Crewe inquired if there is any further discussion. Councilman Weisiger pointed out that the Council does not currently have a balanced budget. Vice-Mayor King noted that Town Treasurer Stephens will work on balancing the budget. Councilman Crockett stated he will be voting nay on the budget based on the fact of the Bag It & Tag It System. He noted he does not think it is necessary and has never been necessary. Vice-Mayor King inquired if a report was ever done as to what it would cost the Town if they went back to the trash pick up with no fee. Town Manager Sutherland indicated that only a paragraph report was prepared, but Town staff has this report, and will make it available. She stated this would be interesting to compare. Councilman Crockett indicated that he has addressed part of this matter on Page 2 of his report. Mayor Crewe inquired if there is any other discussion. There being none, the motion was approved with the following voting results:

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

AGAINST: Charles G. Crockett

ABSTENTIONS: None

Ordinance No. 1172 as amended was approved on first, but not final, reading. A copy of Councilman Crockett's report is attached and made part of these minutes.

RE: PROJECT 18

Mayor Crewe noted this topic is in Town Manager Sutherland's report, but Project 18 that the Town has been looking at with the prospective industry has not been offered to the Crossroads Regional Industrial Facility Authority (CRIFA) by Wythe County as of yet. He explained that Wythe County will make that decision in the morning when they meet. Mayor Crewe stated he is not going to disclose anything in public, but the issue becomes that this is Lot 18 that has a rail frontage. He advised one of the issues is who is responsible for the maintaining of the spur line and the amount of the cost, etc. Mayor Crewe explained that Wythe County has not decided whether they want to do the project on their own or they want to offer it to the Crossroads Regional Industrial Facility Authority. He stated if it is offered to the Crossroads Regional Industrial Facility Authority, projections are, as the Council has seen, that the per participant share would be somewhere in the \$40,000-\$50,000 range, similar to the other arrangements the Town has had with other projects in Progress Park. Mayor Crewe indicated that it has not yet been decided, and what CRIFA has basically decided to do is to accept it as a Crossroads Regional Industrial Facility Authority Project if offered by Wythe County, but Wythe County will decide this when they meet in the morning. He noted the Council may hear from this again.

RE: PENDING LITIGATION

Mayor Crewe noted he did not know if Town Attorney Kaase needed to, but he made a note to ask him if the Council needed to do anything, give him any instructions, or hear anything from him on the Town's pending litigation. Town Attorney Kaase advised that he did not need anything from Council at this time.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (9:10 p.m.).

Trenton G. Crewe, Jr., Mayor

Sherry G. Corvin, Chief Deputy Clerk

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BUDGET AND FINANCE COMMITTEE REPORT

MAY 24, 2004

1. Later this evening, the Council will consider the budget for fiscal year 2004-2005 on the first of three readings. The combined total of the General Fund and the Water/Sewer Fund is \$20,085,940. As we noted last week, \$7 million of this total appropriation represents construction work that will be performed on the new Community Center during the upcoming fiscal year. Therefore, when viewing it in terms of normal operational expenditures, the budget amount totals \$13,085,940. There are several components within the revenues and appropriations as currently drafted. First, the Town's employees will receive a two percent cost of living increase, and approximately forty percent of the Town's employees will receive an additional one percent merit pay increase for exceptional performance on their annual evaluation. The various departments are generally being held to the levels of appropriations that are in the current year's budget, with the exception that each department's line items for payroll and associated expenses have been adjusted to accommodate the pay increases. It is our plan that as the budget goes through the Council's deliberations, we will then give each department head the total amount of appropriation for their department and then ask them to resubmit to us a balanced line item budget for our review.

There are certain increases proposed for both the General Fund and the Water/Sewer Fund. With regard to the General Fund side of the budget, there are two increases proposed. The first increase would be to revise the tax on cigarettes by increasing the amount per pack by \$0.06, making the local taxation on a pack of cigarettes of twenty-five or fewer a total of \$0.09. This additional \$0.06 per pack tax will generate approximately \$101,250 per year. The

second increase that we have included in the budget is an increase on the E-911 tax. Currently, the tax rate for E-911 is \$1.00, and the proposed rate is an increase to \$2.00. This increase will generate an additional \$71,000 in the upcoming year. We think this tax is equitable in that expenses incurred at the Communications Center for equipment, personnel, and services to handle the E-911 phone calls and cellular phone calls are increasing. Currently, the E-911 surcharge pays for only about one third of the Communications Center's expense. These mandated programs are not sufficiently funded by the State.

There is proposed in the budget that will be considered later this evening an increase to water and sewer consumption charges. We are proposing that the increase this year be established at ten percent. The Water and Sewer side is currently in debt to the General Fund, and there are still numerous projects that are needed to enhance our system in the very near future in order to proceed with the connection to the regional water system with Wythe County and Carroll County. Clearly, the revenues generated by the Water/Sewer Fund are not sufficient to meet our current and future expenses. One other item that we have discussed, but have not taken any action on up to this point, is the increase in connection fees. The Water and Sewer connection fees of the Town of Wytheville are far less than any of our neighbors'. This may be one area where we can gather some additional revenue for the Water and Sewer Fund.

As we mentioned earlier, the budget will be considered on the first of three readings later this evening. A public hearing with regard to the budget has been scheduled for June 14, and we will, at that point, hear the budget on the second of three readings. The final reading of the budget is scheduled for June 28.

2. We have attached, for your review, a set of guidelines and a schedule of charges for the use of the Heritage Preservation Center. Both Committees have had the opportunity to review these guidelines and proposed charges, and Director of Museums Emerson would ask that the Council take action to adopt them so that they can become effective. We think everyone is familiar with her proposal, but we would be happy to entertain any questions that you may have. It would be the recommendation of the Budget and Finance Committee that the Heritage Preservation Center Usage Guidelines and Schedule of Fees be adopted and that provisions within become effective immediately.

Jacqueline K. King

John W. Jones, Jr.

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PUBLIC WORKS COMMITTEE REPORT

MAY 24, 2004

1. At the last meeting of Council, Mr. J. B. Willis, who is a resident of the Meadows of Pine Ridge Subdivision situated on the south side of West Ridge Road, requested the Council to consider applying a coat of asphalt paving to the streets within the neighborhood. Mr. Willis also acknowledged that there are approximately twelve lots left on which new homes could be constructed. We have reviewed the inquiry of Mr. Willis and agree that some patching is required. Town forces have attempted to maintain these streets in good condition, but, due to the volume of construction that has occurred in this neighborhood, the streets are being regularly torn up by the heavy equipment involved with the construction. It is the recommendation of the Public Works Committee that we ask the Public Works Department to continue its efforts to maintain these roadways to the best extent they can and that we place paving of the streets within the Meadows of Pine Ridge Subdivision as a priority on the paving list for next year.
2. The Council has received a number of inquiries from Ms. Mabel Jo Wilson and other residents in the vicinity of the Reese Trucking Company situated at Fourth and Madison Streets. Residents in this area have complained that the trucking operations often cause the street to be blocked and have created parking problems for certain residents within the neighborhood. This area is all zoned M-1 Industrial, and, therefore, the operations of the Reese Trucking Company are not a violation of the Zoning

Ordinance. However, Reese Trucking Company has changed, somewhat, its business operations since they began, and will necessarily need to perform certain work to be in compliance with Building Code Regulations. We have met with Mr. Reese, and he has agreed that he will make the necessary modifications and will also create, to the extent possible, additional off-street parking. Mr. Reese also advised that he will make every effort to make sure that trucks do not impede traffic flow within the neighborhood. We received a call from Ms. Wilson last week who noted that Mr. Reese's efforts had been helpful, and she and the rest of the neighborhood hoped that the other measures he was taking would all work out well.

We think, also, that it would be helpful, particularly to the Umberger property, to prohibit parking on the west side of South Fourth Street between Madison Street and Railroad Avenue, and, at an appropriate location within that block, to create three handicap parking spaces. Unless the Council desires for us to proceed in some other direction, we will ask the Public Works Department to take these actions.

William B. Weisiger

Charles G. Crockett

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