

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, AUGUST 9, 2004, AT 7:00 P.M.**

Members present: Trenton G. Crewe, Jr., John W. Jones, Jr., William B. Weisiger, H. Judson Lambert

Members absent: Jacqueline K. King

Others present: Town Manager C. Wayne Sutherland, Jr., Town Clerk Sharon P. Hackler, Town Attorney Robert P. Kaase, Patrol Officer Phillip Shuler, Susannah Hawthorne with Wytheville Enterprise, Greg Corvin, Kathy Desposito, George T. Fisher, Barbara Akers, Sherry Hawthorne, Gale Lynn, Benny Lynn, Sandra Lowe, Glen Lowe, Karen Anders, Barry Anders, Kathy Grubb, Dora Grubb, Willie U. Tavenner, Mabel Jo Wilson, R. Flannagan, Dexter Davis, Sue Davis, Jack Singleton, Carolyn Connor, Robert G. Melton, Coleman Shuler, Ted Johnson, Janet Johnson, Agnes Eades, Francesca Lunsford

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 and the Pledge of Allegiance was led by Councilman Jones.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of July 26, 2004. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to approve the consent agenda consisting of the minutes of the regular meeting of July 26, 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., John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

Mayor Crewe stated that pursuant to the Town's advertisements, the Council has three public hearings set for this meeting. He noted he will consider the public hearings in the order they are listed on the meeting agenda. Mayor Crewe pointed out that there are several people in attendance, and the Council is glad to see everyone at the meeting. He thanked the citizens for taking the time to attend the meeting. Mayor Crewe remarked that several individuals have indicated that they desire to address to the Council. He noted that initially, he will limit the time to five minutes per speaker, and he advised he will be keeping the time so the meeting will progress. Mayor Crewe noted that the Council will hear from anyone who desires to speak during the public hearings, and then the Council will have a Citizens' Period. He explained that the Council will take action on the recommendations from the public hearings later in the meeting.

RE: PUBLIC HEARING – SOUTH FOURTH STREET REZONING

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider the rezoning of properties located on the west side of South Fourth Street between West Madison Street and Railroad Avenue from M-1 Industrial to R-3 Residential. He noted that several of the individuals have indicated that they desire to speak, or may possibly desire to speak, and a few had noted they wanted to speak on this particular rezoning. Mayor Crewe stated that the citizens can speak during the debate on the motions later if they desire. He inquired if there are persons present who wish to address the Council during this public hearing. Mayor Crewe stated there are a number of citizens who are affected by this rezoning request. Ms. Mabel Jo Wilson inquired if they should speak now or during the debate of the motion. Mayor Crewe answered that the Council will be glad to hear from Ms. Wilson if she desired to speak at this time. Mr. Jack Singleton inquired if Mayor Crewe would reiterate the choices of when citizens could speak. Mayor Crewe noted that at this point, this is only the public hearing, and it is a chance for the citizens to tell the Council what they want them to know. He noted that when the Council gets to the motion on the action, they have a recommendation from the Planning Commission. He explained that for those who attended the previous meeting, he is sure they are aware that the Planning Commission has recommended that all three of the items for these public hearings be approved. Mayor Crewe noted that the Planning Commission's motion will come before the Town Council later in the meeting, and noted the recommendation from the Planning Commission is that the Town Council grant the request and approve the rezoning. He stated at that time, the Town Council will have to take action, and Council

will debate this issue. Mayor Crewe indicated that the Council may or may not choose to respond to any of the citizens' questions during the debate. He noted that during the public hearing, the Council does not respond to questions, but they will hear from the citizens to receive their viewpoints. He reiterated that the public hearing is a chance for the citizens to tell their viewpoints to the Council, without interruptions from the Council, and later the Council will debate the issue among itself.

Mayor Crewe requested anyone addressing the Council to please approach the podium and state their name and address so the Town's records are complete, so that everyone can hear their comments, and so their comments can be recorded on the Town's recording system.

Ms. Mabel Jo Wilson was recognized and stated she is speaking on behalf of her mother, Willie Tavenner, of 310 Madison Street. She advised that they have had decades of a wonderful neighborhood, and they have been the envy of many for their wonderful neighborhood. Ms. Wilson pointed out that they are not against trucks, but they are for a neighborhood where they can walk the streets, drive their cars safely, allow their children to go across the intersections safely, where they can sit on the porch and snap beans, and open their windows without noise and fumes coming in. She advised that they feel this request for a rezoning to residential for their block would perhaps help them because her understanding is that the trucks could not park on their side of the street. Ms. Wilson noted that they documented many of their safety concerns with the Planning Commission. She advised that they made 8 X 10 pictures, and things have not gotten better. Ms. Wilson stated that at times, things are better, and noted that they called the police, but she does not think they ever cite Reese Trucking. She remarked that Reese Trucking is still parking across driveways on their side of the street, and Dr. Brock's side, which is residential. Ms. Wilson noted that since the residents last saw the Council, it has almost been like a television movie. She remarked that, in fact, she started to call Channel 10, but on May 27, she brought her horse trailer and truck and parked it on her side of the street, where she should be able to park, and noted that she was perfectly legal to do this, and left it until July. Ms. Wilson advised that she wanted to make a statement to the Town and to Mr. Reese as to how silly it was for the Town to give a terminal license to a place where they cannot even back trucks into their parking lot if the citizens park where they are supposed to park. She reiterated that she wanted to make a statement to Mr. Reese of why he would want to buy a place where he cannot get into his own parking lot. Ms. Wilson stated that on July 4, he made a threat that if she did not move her truck, he would surround her house and she would not be able to get her mother out. She noted that Mr. Reese did this the next day, and she ignored him. Ms. Wilson indicated that the next day, he pulled up and ran trucks, and changed them every hour until the diesel annihilated them, and they called the police, and they stated they could not do anything about it. She stated she did tell the policeman that if Mr. Reese would ask her nicely, she would move the truck. Ms. Wilson advised that she did move the truck, and she has told Mr. Reese since that time that the neighbors have nothing against him, but they are praying for him to be so successful that he will have to move. She stated she thinks the Town did their neighborhood a disservice by lack of specificity in its regulations. Ms. Wilson noted that she does not think a person can take a 150' X 100' parking lot and state that ten trucks can park on there since it would be a front to back configuration with lack of any kind of specifications as to entrance ramps, access, etc. She remarked it would be some consolation if their neighborhood could have their residential zoning back. Mayor Crewe thanked Ms. Wilson for her comments.

Mayor Crewe inquired if there were others who desired to address the Town Council during this public hearing.

Mr. Jack Singleton was recognized and stated he lives at 260 West Jefferson Street, which is an R-3 Residential zoning district. He stated he has sympathy for the lady who just spoke with the conditions in this neighborhood. Mr. Singleton noted he has had problems, and noted it is dangerous to speak of the police when he may need them. He stated he has been in an R-3 Residential district and needed investigations done on breakings and enterings, and he agrees that the police come and talk, and sometimes they do not take a fingerprint or DNA when they could. Mr. Singleton stated if Reese Trucking is parking in the residential area and surrounding Ms. Wilson's home and gassing her out, he is not supporting this. He noted that in the long run, he is against changing the M-1 Industrial zone to a residential zone because that is one of the Town's traditional business zones. Mr. Singleton advised that it is a very affordable neighborhood for startup business. He stated if his daughter wanted to come back and needed to rent a place for a few hundred dollars per month to start a consultancy or an engineering firm, she could not go to R-1 Residential because it is outlawed, and she cannot go to an industrial park or a big subsidized building because it is too big and too expensive. Mr. Singleton noted that any high tech garage type developments would be good, clean businesses, and the Town needs M-1 Industrial as a resource. He stated that traditionally, it has been businesses like the block plant, which was a big employer for a long time. Mr. Singleton noted that possibly this plant has come and gone, but there is a need for a small, cheap manufacturing zone. He

stated it is this truck problem today, which could fix itself. He stated he believes that the truck building is the old transformer place, which employed people at good wages, and it was a locally owned business. Mr. Singleton noted that the business since grew to the point that it did move to a new building. He stated he considers the M-1 Industrial district as almost irreplaceable. He advised that, again, if the police see someone parking a giant truck in a residential zone and threatening people, he thinks they should do something about that, and they should do it as soon as they are called. Mr. Singleton reiterated that he thinks the police should have taken fingerprints and DNA when they broke into his house. He noted that he sees a little bit sometimes of uneven enforcement in the R-3 Residential District and the M-1 Industrial District where the police let things go, and he gets the feeling that if someone in an R-1 Residential zone called with a broken window or with breaking and entering, the police would have taken the DNA. Mr. Singleton pointed out that this is just a feeling he gets, and noted he cannot "put his thumb" on that. He stated that another argument is there is always a problem at what may be called the interference zone. Mr. Singleton indicated that it is when one zone changes immediately to another zone. He remarked that there are property values involved in that, and when a person buys a place, there is preknowledge that this other zone is close to them. Mr. Singleton advised that if a person's property is deep into a zone, they know they have a barrier, but when a person purchases a property on the street next to a manufacturing zone, or on the next street to a lower zone with cheaper houses, the person knows what they are getting into, and the rules of real estate are location, location, location. He noted a person sometimes pays less for property because of the existing situation of either an eyesore or activity going on. Mr. Singleton indicated that he has some actual knowledge of this. He explained that a friend of his was renting to own a house on Madison Street with nothing down, \$33,000, and the rent to own was \$300 per month for 12 years or some time such as this. Mr. Singleton indicated that it was very affordable, and it was within a block of the trucking place. He noted the theory and the law of zoning is a total community concept, and it is not designed to deal with one complaint like his with the police, or Ms. Wilson's with the police, or the fumes. Mr. Singleton remarked that this should be taken care of under law and not zoning because if someone in the total concept in the town in a faraway neighborhood is concerned about this, they should be having input, and the complaint and the demand for change should be in a larger circle. He pointed out he is speaking for the long term good to leave M-1 Industrial for people who need it. Mr. Singleton indicated that he looks at zoning as hard to change, and if the neighborhood needs the M-1 Industrial zoning back, it will be hard to get and may come with more restrictions. He noted he does not like what is going on when there is no enforcement for big time pollution and people parking things where they should not be parking. Mr. Singleton reiterated that he thinks the zone is a valuable resource for the Town. Mayor Crewe thanked Mr. Singleton for his comments and for attending the meeting.

Mayor Crewe inquired if there are others who wish to address the Council during the public hearing on the proposed South Fourth Street rezoning.

Ms. Barbara Akers was recognized and stated she lives one block up on the corner of Fourth and Jackson Streets. She noted that for the block they are talking about, almost all of the people who live there are long time residents, possibly the third generation. Ms. Akers noted that for the two other ones, they have no intention of ever selling those houses, and as far as keeping that in an industrial zone thinking it is going to benefit the town in that way, it would be centuries or decades into the future before it does. She requested the Town Council to not let that interfere with their decision as to what to do about this because the people who own the property are not going to dispose of it so it could not be of much benefit industrial wise. Mayor Crewe thanked Ms. Akers for her comments and for attending the meeting.

Mayor Crewe inquired if there are others who wish to address the Town Council during this public hearing for the proposed rezoning. There being none, he declared the public hearing closed. Mayor Crewe explained that the Council will take action on this matter later in the meeting.

RE: PUBLIC HEARING – PETUNIA ROAD REZONING

Mayor Crewe stated the meeting, likewise, constituted a public hearing (due notice having been given) to consider the rezoning of the properties located on the west side of Petunia Road between Old Stage Road and West Lee Highway from R-3 Residential to R-1 Residential. He advised that he knows a number of citizens attending the meeting are affected by this proposed rezoning. Mayor Crewe inquired if there are persons present who wish to address the Town Council during the public hearing on this proposed rezoning.

Mr. Greg Corvin was recognized and stated he lives at 110 Dodgion Street with his wife, Missy, and his son, Tyler, who is six. He noted he is proud to state he is a lifelong resident of Wytheville and Wythe County, and he is honored to be on his first visit to speak in front

of Town Council at this meeting. Mr. Corvin indicated that if he understands the difference between R-1 Residential and R-3 Residential, as he read on the Internet and what he has been able to glean over the last several weeks, in an R-3 Residential zone, there can be multiple family dwellings, existing structures can be converted into multiple family dwellings, and with a special exception permit, there can be mobile homes and manufactured homes, rest homes, tourist homes, and rooming and boarding homes. He explained that, also, the sizes of the lots and homes are major differences, and noted these are the major differences as he understands them. Mr. Corvin stated that given this, he is very much in favor of the rezoning of the west side of Petunia Road to R-1 Residential. He noted he feels that R-1 Residential is consistent with the type of growth that has occurred along Petunia Road, especially in the last five or so years. Mr. Corvin indicated that from his neighbors' perspective on the east side of Petunia Road, the rezoning is the right and decent thing. He noted that when they walk out their front door, of course, they look across the street to the west side, which is R-3 Residential, and the east side is zoned R-1 Residential. Mr. Corvin stated from the perspective of doing the right thing, he thinks the rezoning is the right thing to do. He noted that thirdly, and most importantly, he thinks that the rezoning to R-1 Residential will ensure the future growth, and it will be consistent with the positive growth that has already occurred in that area, which has become quite a nice area in which to live. Mr. Corvin indicated that he would also like to add that in the coming months, everyone is going to see a new, low-income subdivision, which could possibly come adjacent to Petunia Road. He stated it is his understanding that it will be zoned R-1 Residential, so it will have to meet the minimum requirements of the R-1 Residential zoning. Mr. Corvin indicated that to him, it further enhances the argument that rezoning this area of the town to R-1 Residential is the correct thing to do. He noted that the zoning should reflect the spirit of the community, and advised he thinks the R-1 Residential zoning would do that. Mr. Corvin thanked the Town Council for allowing him to make his comments. Mayor Crewe stated that Mr. Corvin kind of alluded to it, but he wants to ensure that everyone understands. He noted that Mr. Corvin is correct, and the statement he made about the lot sizes, etc. is correct, and the businesses allowed in R-3 Residential would not be permitted in an R-1 Residential District. Mayor Crewe advised that Mr. Corvin's statements were correct. He noted that Mr. Corvin advised there was a difference in the sizes of the lots. Mayor Crewe indicated that the R-1 Residential Zoning requires larger yards and larger setbacks on the front, rear, side yards, and larger square foot homes. He noted that specifically, in an R-3 Residential zone, the lot size minimum is 9,000 square feet, and in an R-1 Residential zone, the minimum lot size is 10,000 square feet. Mayor Crewe indicated that the dwelling size is 900 square feet in R-3 Residential, and 1,400 square feet in R-1 Residential, with 900 square feet on the first floor. Mayor Crewe indicated that there are some appreciable differences to which Mr. Corvin alluded, and indicated he is sure that Mr. Corvin understands that those are the numbers, and he wanted to clarify this for anyone who needed clarification. Mayor Crewe thanked Mr. Corvin for attending the meeting.

Mayor Crewe inquired if there were others who wished to address the Council during the public hearing.

Mr. Barry Anders was recognized and stated that he and his wife, Karen, live at 135 Dodgion Street, and noted it is the last house on the cul-de-sac. He joked that everyone can usually tell where he lives because their grass is a little taller than all of the neighbors. Mr. Anders indicated that he appreciates the opportunity to address the Council and noted that this is his first time addressing the Town Council. He advised that they are concerned about this situation, and he would recommend the change from R-3 Residential zoning to R-1 Residential zoning. Mr. Anders indicated that they have lived in Wythe County approximately five years, and noted that they appreciate living in a locality that has zoning. He noted they had previously invested their lifesavings in a home in Grayson County, and they were in a subdivision, much like Dodgion Street, and a landowner came in and bought the land next to them and put in a 24-hour sawmill, and there was nothing they could do about it. Mr. Anders remarked that they appreciate the locality and the zoning, and advised he appreciates the Council hearing this request at this meeting. He advised that part of the concerns they had were about traffic, also. Mr. Anders stated that Mr. Corvin mentioned some of the possibilities that could happen under R-3 Residential, and one of them is multi-family dwellings. He noted that they sometimes get out and walk on the roads on Petunia Road and on Old Stage Road. Mr. Anders remarked that there is heavy traffic on both of those roads, and noted he thinks if there were multi-family dwellings permitted, this would only increase the traffic flow of those roads and make it even more dangerous because they are fairly narrow roads. He noted they would appreciate the Council's consideration of this. Mr. Anders noted that he also realizes and respects that people have investments in these properties being considered, and they are businessmen and this is what they do, and noted he totally respects this. He stated the concern is not as much property value, but quality of life and consistency. Mr. Anders indicated that they looked at a lot of subdivisions all over Wythe County and a lot of housing, and found that this subdivision was very consistent in terms of home sizes, yards, and easements, and they feel strongly that this would affect their quality of life as well as the safety issues. He remarked that he strongly

supports the rezoning, and he appreciates the Council's consideration of this change in zoning. Mayor Crewe thanked Mr. Anders for his comments.

Mayor Crewe inquired if there are others who wish to address the Town Council during this public hearing.

Mr. George Fisher was recognized and stated for the Council to excuse him that he has been sick for a while. Mayor Crewe advised Mr. Fisher that the Council is glad he is able to attend the meeting, and they appreciate his attendance. Mr. Fisher advised that he and Mr. Bob Melton, Ms. Carolyn Conner, and two other people who are not in attendance, own 173 acres in the County and four lots they purchased on Petunia Road to adjoin their property in the County. He noted they own approximately 14-15 acres in the Town of Wytheville. Mr. Fisher explained that their intent, when they purchased the additional four lots besides the property they owned in the town, was to construct housing for people, or the empty nesters, who want to move into a downsized home and did not want any steps. He noted they were planning on putting some housing all on one floor and combining two units with joining garages in the middle. Mr. Fisher remarked that they purchased the additional four units and remain to hope that they can put these units in town because they are needed and they want to provide them. He advised that they are not trying to change anything on Petunia Road. Mr. Fisher noted when he states he built Dodgion Street, he did build it, and he put the restrictions on it as the Council knows because they looked at the deeds. He stated he is not against anyone who owns houses on Dodgion Street, but advised he thinks it is a little unfair midstream to downzone or go from R-3 Residential to R-1 Residential. Mr. Fisher noted they would prefer that the Town Council rezone from R-3 Residential to R-2 Residential for their property that is in the town down to the Old Stage Road. He stated this would permit them to put two units per lot on a smaller lot. Mr. Fisher noted that a lot of people who would buy this, and noted he may buy this because he can no longer get around that good anymore, are getting a little older. He stated he is not speaking for everyone at the meeting, but some people may want a smaller house. Mr. Fisher indicated that it will still be a nice place to live, but some people do not want to mow five acres of grass or even one-fourth acre sometimes. He advised that this is their intent, and indicated that as he has stated, they are in midstream of hiring engineers and planners, surveyors, etc., and they would not have purchased the four lots had they known the Council was going to downzone from R-3 Residential to R-1 Residential. Mr. Fisher remarked that he could state he is not happy that the Planning Commission initiated this rezoning. He advised that he thinks the citizens should initiate a rezoning, and indicated that he does not think the Planning Commission should be making it a policy and then voting on it. Mr. Fisher indicated that it appeared at the Planning Commission meeting that two or three of the members already had their mind made up and did not want to listen to them. He noted he will not get into that matter anymore, but indicated that he appreciates the Council listening to him, and stated he does not have anything against anyone at the meeting other than they are trying to provide some housing in town that is all on one level that he thinks is needed. Mr. Fisher reiterated that there would be no more than two units per lot, and indicated they would like to go to R-2 Residential, particularly, for the property they own. He noted that the lady who lives on the corner of Old Stage Road and Petunia Road owns three lots on the corner, and noted one is the lot where her home is located, and two of the lots adjoin their property. Mr. Fisher stated he just talked to this property owner, and advised that the Town Council can ask her, and she has indicated that she prefers for it to be zoned R-2 Residential than R-1 Residential. He noted the Council can ask her if they desire since she is attending the meeting, and her name is Mrs. Desposito. Mr. Fisher thanked the Council for listening to his comments. He noted they are probably going to build 15 to 30-40 units in town, depending on how it progresses, and there will probably be two to three times that amount of units in the County. Mr. Fisher indicated that none of this housing will be anything that will be an eyesore to anyone or a detriment to anyone. He noted it will not be that way. Mayor Crewe thanked Mr. Fisher for his comments and for attending the meeting.

Mayor Crewe inquired if there are others who wish to address Council during this public hearing.

Dr. Janet Bechtel-Johnson was recognized and stated she lives at 595 South Petunia Road with her husband, Ted, and their two children, Will and Katherine, who are ages 7 and 9. She remarked that she speaks for her husband and herself, and noted they are both in favor of the rezoning. Dr. Bechtel-Johnson noted that perhaps they were naïve when they built their home, and there were very nice homes in the area, and she did not consider a zoning issue. She remarked that they are very happy where they live. Dr. Bechtel-Johnson indicated that as has been mentioned, traffic can be a problem at times on South Petunia Road and they are hoping it will not get worse. She reiterated that they are concerned about the traffic if there is not a change in the zoning. Dr. Bechtel-Johnson remarked that she understands that Mr. Fisher and his partners made an investment in the land, but advised that they and their neighbors made an investment in their homes. She advised that they made an investment before the land was purchased by these other business people. Dr. Bechtel-Johnson stated she hopes the Council

will take this into consideration, and noted they want to keep this a nice and safe place for themselves, their children, and their neighbors. Mayor Crewe thanked Dr. Bechtel-Johnson for her comments and for attending the meeting.

Mayor Crewe inquired if there are others who wish to address Council during this public hearing for the possible rezoning on Petunia Road.

Mr. Jack Singleton was recognized and stated he lives at 265 West Jefferson Street in an R-3 Residential zoning district. He indicated that he is going to try not to repeat the comments he made on the other zoning request. Mr. Singleton remarked that he would like to see the zoning stay R-3 Residential because the R-3 Residential zoning is a valuable zone of affordability for the people of Wytheville. He pointed out that the average person in Wytheville is working for \$8 or \$9 per hour and does not have a chance of complying with the restrictions of R-1 Residential zoning. Mr. Singleton noted that there is a large lot that requires a large lawn mower and a large house. He stated it is not just the size of the house, but there are certain requirements on finishing and appearance. Mr. Singleton stated that there is no more R-3 Residential zoning, and it is as if God did not make any more R-3 Residential zoning. He explained that the R-3 Residential zone is a much freer zone. Mr. Singleton pointed out that people can buy a certain quantity of land in an R-3 Residential zone and construct a large home, and noted it could be 3,000 square feet if they desired, and mow five acres. He noted that they can also have a home business on the property, and advised that home occupations are permitted in R-3 Residential zones. Mr. Singleton indicated that people are permitted to upholster furniture, sharpen mower blades, and repair small engines. He stated he is unsure that operating a beauty salon is permitted, but noted it is a very free zone. Mr. Singleton advised that the R-3 Residential zone does not restrict anyone to come in and have a larger home. He noted he may be the only one attending the meeting who lives in an R-3 Residential District who is not from Petunia Road. Mr. Singleton inquired if there are other citizens attending the meeting who live in an R-3 Residential zone who do not live on Petunia Road or close to the zoning in question. He stated that R-3 Residential is not just this location that is being discussed at this meeting. Mr. Singleton remarked that Opportunity Heights, Madison Street, and the area next to the ritzy places on Withers Road, etc., are R-3 Residential Districts. He stated that again, he would repeat that under State law, the requirements on rezoning state it is an overview of an entire community's desire. Mr. Singleton remarked that he guesses he is speaking for R-3 Residential in the sense that when he talks to other people in his neighborhood, and inquires as to why they do not attend a Town meeting, they state they are shy. He noted they are lower income, and may be less educated. Mr. Singleton advised that he put out a petition to run for the School Board one time, and noted these are economic facts, and he was assured that with his long list of signatures that everyone was a registered voter. He noted that in an R-3 Residential District, where he canvassed, there were a lot of people who thought they were registered who were not. Mr. Singleton remarked that he is stating for these people, they have an attitude when he interviews them sometimes of that the Town Council is going to do what it wants to do anyway, so why should they come to the meetings. He noted he tells these citizens he will speak for them. Mr. Singleton noted that this is the last little piece of R-3 Residential property that is undeveloped in the Town of Wytheville. He stated that Opportunity Heights is full, and the other neighborhoods are full. Mr. Singleton indicated that there is no proposal to change this from R-3 Residential to R-1 Residential and take some R-1 Residential property somewhere else and rezone it to R-3 Residential. He noted once the R-3 Residential property is gone, it is gone. Mr. Singleton remarked that he thinks the original Town Council in its original wisdom saw this area as an R-3 Residential area because of the houses and activities that were there, and the people in that area wanted this type of zoning. He noted he will reiterate that anytime there is a zone change, there is more trouble at the line between two zones. Mr. Singleton stated he thinks the people in R-1 Residential zoning can have home occupations, but no one sees them because they are possibly trading stocks and bonds on the Internet or selling things on E-bay, and it is possibly of a quieter nature than repairing lawn mowers and other things that are permitted in R-3 Residential. He noted that for the property value argument, every time he hears this, he is completely conflicted because when he hears the sawmill story or the truck parking where the police will not move people out of a residential zone when they are parking trucks, again, he would like to state that when people move to an area, they are moving into a situation that was zoned by a previous Council, and it is not to be disturbed without demand from the total community, not just a property value argument from the immediate neighbors. Mr. Singleton remarked that he does not hear anything from the entire community on this matter. He noted that while R-1 Residential zoning does offer a quality of life by lower density and larger houses, and the ability to walk among similar people, it does not carry the share of other important things that the community does. Mr. Singleton noted that the R-1 Residential zone does not have the homeless shelter, and noted he does not know the name of the place and he does not want to be derogatory, but it is the day center for people down from Mr. Kaase's office. He pointed out that R-1 Residential zoning is big and clean, and it does not support other activities that the community has voted for or donates funds for. Mr. Singleton explained that citizens in R-3

Residential Districts end up with the brunt of these types of facilities, and noted there are bad effects to having a homeless shelter in the neighborhood. He noted he could tell stories of where the homeless do not spend all of their time in the shelter, and advised that this is all he would have to state. Mr. Singleton advised that R-3 Residential offers affordability. He stated that traffic is another item that the R-1 Residential Districts do not carry their share of. Mr. Singleton remarked that citizens of the R-1 Residential Districts would probably not like more traffic, but traffic is part of growth, and it is part of jobs and going shopping. He stated he does not like the traffic anymore at Wal-Mart, and noted he wishes that Wal-Mart had never come. Mr. Singleton remarked that he used to race through there about 50 miles per hour with no stoplights to Main Street, and noted he remembers the old days. He noted this is gone, and reiterated that traffic is part of growth and jobs in a larger community, and more cars per head, also. Mr. Singleton indicated that R-1 Residential Districts do not take care of the apartment dweller or the rest home people, and noted this is another important function of the freedom that is available in R-3 Residential that does not restrict anyone of having a larger house or doing what they want with their property. Mayor Crewe thanked Mr. Singleton for his comments.

Mayor Crewe inquired if there are others who wish to address Town Council during this public hearing.

Mr. Benny Lynn was recognized and stated he is in favor of the rezoning. Mayor Crewe thanked Mr. Lynn for his comments and attending the meeting.

Mayor Crewe inquired if there are others who wish to address Town Council during this public hearing. There being none, he declared the public hearing closed. Mayor Crewe advised that the Council will take action on this topic later in the meeting.

RE: PUBLIC HEARING – SUBDIVISION ORDINANCE FLOODPLAIN REGULATIONS

Mayor Crewe stated the meeting also constituted a public hearing (due notice having been given) to consider amending the Town of Wytheville Subdivision Ordinance, Section 5, General Regulations, Subsection 5-4, Building Site; and Section 7, Establishing Floodplain Districts, Requiring the Issuance of Permits for Development, and Providing Factors and Conditions for Variances to the Terms of the Ordinance; and consider amending the Town of Wytheville Zoning Ordinance, Article XIV- Permanent Mobile Home/Manufactured Home Parks, Section 14-1, Application for Permit, to include floodplain regulations. He remarked that these are basically housekeeping amendments to various sections of the Town's Zoning Ordinance to meet the requirements of the National Flood Insurance Program that was enacted. Mayor Crewe noted that no one has indicated on the sign up sheets that they desired to address Council regarding this matter. He inquired if there are persons present who desired to address Council during this public hearing. Mayor Crewe noted he knows the other two public hearings were the ones that were of the most interest to the citizens. He stated that, again, this is a public hearing, and the Council will be glad to hear from anyone who desired to address those sections of the subdivision section of the Zoning Ordinance. Mr. Singleton inquired if a person could ask questions later. Mayor Crewe advised that the Council will consider this matter later in the agenda. He noted the public hearing is to gather comments from the public. There being no others who desired to address the Council during the public hearing, Mayor Crewe declared the public hearing closed and proceeded with the agenda.

CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period. He remarked he is reading the sign up sheets that the citizens signed when they came in, and noted the reason the Town has the sign up sheets is so the Council knows who they are, so the records can accurately reflect the citizens' attendance, and so he will know that they desire to speak and he can call on them. He explained that all of the citizens, with the possible exception of one, have indicated that they desired to speak on one of the rezoning issues. Mayor Crewe noted that Citizens' Period is for people to speak on topics that are not on the agenda. He stated if he is misreading the sheets, he would request the citizens to correct him and tell him if he misses someone so that everyone has an opportunity to address Council. Mayor Crewe advised that Mr. Coleman Shuler is the only person who indicated that he wanted to speak on a topic that is not related to the rezoning requests that have been considered. He noted the Council will be glad to hear from Mr. Shuler at this time. Mayor Crewe reminded Mr. Shuler of the 5-minute time limitation as well. Mr. Shuler inquired as to the date he wrote on the sign up sheet. Mayor Crewe advised that Mr. Shuler wrote, "approved 7-22 committee..." Mr. Shuler indicated that he did write the correct date and noted he was unsure of that. He noted that as part of the Council knows, he attended the Budget and Finance Committee meeting on July 22, 2004, and indicated that he appreciated the wisdom and the cooperative spirit of the decision that was made at that meeting, and that was on a motion by Councilman Jones that the Council delay any court action

regarding the property maintenance and zoning violations for six months or until January 4, 2005, and that they work cooperatively such that he could address the issues of the actual violation rather than addressing the combative nature of litigation. He advised that this being approved by the Budget and Finance Committee, he assumed they were all working together in a forward, positive direction. Mr. Shuler explained that he received a letter that was dated a week later on July 29, 2004, from the Town Manager, who was in attendance at the Budget and Finance Committee meeting, stating that the technicality of not having a quorum and that other members were not in consensus with that decision negated that decision. Mr. Shuler stated he would like to make the first request that the Council go ahead and approve the action that was so wisely proposed by Councilman Jones and was approved by Vice-Mayor King, who was in attendance at that meeting, and with the approval and the agreement of the Town Manager, who is the one who chairs those Committee meetings. He remarked that should this not occur, he would like to ask that he be given a hearing with the entire group present rather than his concerns being conveyed by a third party, as was done in this case because his goal is having himself and the Town work together cooperatively, and noted as everyone recalls in the invocation this evening, the prayer was that the decisions be in the best interest of all of the citizens of the Town of Wytheville and Wythe County. Mr. Shuler indicated that the citizens at this meeting are attending the meeting for other reasons, he is sure, and noted they do not necessarily have a vested interest on what happens on his property, but they have a vested interest as to what happens on their property. He remarked that if their property were cited with 10 violations, and if they were requesting the Town to give them written documentation of what the Town would find in compliance with the cited ordinances, and then before they were given any time at all to respond, they were taken to court, he doubts if they would find that in their best interest. Mr. Shuler remarked that in his case, it is not in the citizens' best interest that their tax dollars be spent in litigation when from the very beginning he indicated total willingness to cooperate in the matter of the violations. He advised that because as he has already stated in the other occasions that he appeared before the Committees and the entire Council, there are already enough documented errors that would leave the Town's position in court a little bit shaky since the Master Code Official, Mr. Massie, who he does not believe is at this meeting, but since Town Attorney Kaase, and noted he believes he is correct, decided to take up this matter and appear in court. He noted he originally concluded it was only Mr. Massie, but he would assume there would be an additional charge to the citizens if the Town Attorney takes up the case. Mr. Shuler advised he would ask first of all, if Mr. Massie, on something that he wrote on April 30, 2004, believed that he was in violation on 10 occasions of Town ordinances, why the document was not signed. He noted he would like to ask a question of some of the Council at this meeting, since Mr. Massie is not in attendance to be asked this question. Town Manager Sutherland advised that he did not know why the document was not signed, but he could have Mr. Massie sign the document. Mr. Shuler stated he would have thought the document would have been signed before the Town would have taken any kind of court action. Mayor Crewe noted he is unaware of any requirement that the document be signed, but if that is a problem, the document can be signed. Mr. Shuler remarked that when someone presents him with a form and they claim he/she is a Master Official and that their word is something of accuracy and he/she does not even sign the form, either the person chose not to sign the form or they forgot. He noted he would also like to ask why the warrant, which is a criminal warrant, states "Commonwealth of Virginia vs. Coleman Shuler" rather than "Town of Wytheville vs. Coleman Shuler." Mayor Crewe answered that it is worded like that because it is issued on a State warrant form. Mr. Shuler inquired if it is the Commonwealth of Virginia. Mayor Crewe explained that if a person received a speeding ticket it would state, for example, "Commonwealth of Virginia vs. Whomever." Mr. Shuler advised that a speeding ticket would be a State law violation. Town Attorney Kaase remarked that the speeding ticket could be written on a Town warrant which would then state, for example, "Town of Wytheville vs. Whomever." Mr. Shuler inquired if it is the Commonwealth of Virginia vs. Coleman Shuler. Mayor Crewe stated that is correct. Mr. Shuler inquired if the Commonwealth Attorney would be involved. Mayor Crewe stated that is correct. Mr. Shuler stated that is good because he is sure the Commonwealth Attorney will probably see the wisdom of the case. He inquired if the Commonwealth Attorney will be prosecuting for the Commonwealth. Mayor Crewe stated that is his understanding. Mr. Shuler inquired if the Commonwealth Attorney will be prosecuting for the Commonwealth in addition to the Town. Mayor Crewe answered that the Commonwealth Attorney will be handling the criminal complaint. Mr. Shuler advised that perhaps Mr. Blankenship will see that there are many discrepancies and errors in the Town's case and realize it is not best to pursue this, at least not until they have exhausted the other options. Mr. Shuler remarked that the last time he spoke, most of the people stated they had not even read the violation. He noted the first violation states, "use of residential lot for storage of spools and pallets." Mr. Shuler advised that for the zoning article that Building Official Massie cited, he sees nowhere that this use is precluded. He noted on the second violation, Building Official Massie stated, "accessory structure in the front yard." Mr. Shuler indicated that nowhere in the zoning article that Mr. Massie cited does he see that there is anything that precludes someone from building a wilderness fort for their grandchildren. He noted that on the third violation, Mr. Massie

indicated that, "exterior property not clean, safe, and sanitary." Mr. Shuler advised that when he asked the same thing about the property on the corner of Fourth and Monroe Streets that was cited by citizens in the election process that was held over WYVE Radio with all of the Town Council candidates, this was even mentioned by Mr. John Todd as an eyesore and something that he requested to be done even before the councilmanic elections, but when he asked the specific question about that specific property, he was told that the Town has asked them to paint it, but that the Town could not make them paint the building. Mr. Shuler indicated that he would remind the Council, again, that his property is at the end of a dead end street, but this house is in the downtown communications area of the town. He remarked that the fourth violation is, "materials present constitute rodent harborage." Mr. Shuler advised that this is a totally false statement. He noted that if there had, in fact, been any violations, Mr. Massie should have contacted Mr. Bill Scott, the Animal Control Officer, to verify such. Mr. Shuler pointed out that since there is no documentation of rodent harborage, it is just a piece of paper lying still for someone to write on it. He stated he takes high offense at someone making false allegations. Mr. Shuler indicated that the next violation is, "inoperative or unlicensed motor vehicles." He noted that as he expressed at the very last meeting, he advised he would make those vehicles operable because Town Manager Sutherland stated one of his primary objectives are automobiles. Mr. Shuler remarked that when Mr. Newberry responded finally a month later, at the end of May, to a request he had made a month or two before, but yet Mr. Newberry dated it April 30, when, in fact, the information was not given to him until a month later, he stated he wanted all of the vehicles removed. He noted there is discrimination on the part of the Town when other people are allowed to have vehicles covered with tarps, and they are on traveled streets. Mr. Shuler stated that, again, he is on a dead end street in an area that was annexed by the Town, and indicated that he was not afforded the option of covering his vehicles. He remarked that the next violation is, "structure needs repairs." Mr. Shuler indicated that this is exactly the same thing he brought up about any number of things, and it is the same thing about Mr. Singleton, who spoke earlier, and his property that has been condemned by Mr. Massie. Mr. Singleton advised that this statement is wrong. Mr. Shuler indicated that there was a sign in front of the property. Mr. Singleton advised Mr. Shuler that he did not read the sign. Mr. Shuler indicated that he read the sign. Mayor Crewe remarked that he can understand Mr. Singleton taking offense, but explained that Mr. Shuler's remarks are not directed at Mr. Singleton, but they are directed at the Town Council. Mayor Crewe advised Mr. Shuler that he has permitted him to go over his five minutes because he took a few seconds of the time to reply. He noted he would ask Mr. Shuler to finish his remarks rather promptly, if he would please. Mr. Shuler remarked that not getting time to finish with those specific items, were the Council not to approve his request that they continue in a productive and cooperative fashion of the motion made and approved by the Budget and Finance Committee, he would also state that there exists enough conflict of interest between the remaining three people that the vote of the Mayor and the vote of Councilman Lambert should not be included negatively against him because Councilman Lambert already voted to deny the special exception permit as he previously served on the Planning Commission and on the Board of Zoning Appeals. He advised that Mayor Crewe has represented the interest of the landowners, who are also joint landowners with him where the mobile home is stored, and that is one of the central issues of the settlement of that particular property. Mr. Shuler indicated that, of course, that goes without stating that if the Town will cooperate with him and follow what Councilman Jones proposed, he has no intention of filing any lawsuits against any people individually or collectively, but for the Town to continue to litigate against him, he would have no other choice because he is trying to survive financially. He explained that at the current time, he is five house payments behind, and he would prefer to save his home rather than have to be in court battles. Mr. Shuler indicated that he has told the Town at every juncture that he is totally willing to cooperate in responding to those ten alleged violations. He noted he has made progress on the violations to this point. Mr. Shuler remarked that Councilman Jones' time frame would probably be far and away in the best interest of every citizen who wants their tax money spent for goods and services that benefit them, not just to try to tear down one person who lives on a dead end street who was annexed. He remarked that in other words, he did not move into town. Mr. Shuler indicated that many of these things were ongoing before that period of time. Mayor Crewe thanked Mr. Shuler for attending the meeting and for his comments.

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

RE: ORDINANCE NO. 1176 – SOUTH FOURTH STREET REZONING

Mayor Crewe advised the Council that his suggestion would be, particularly, since all of the citizens are interested, that the Council rearrange their agenda and go to the Ordinance/Resolutions section to consider the rezonings. He inquired if any member of Council has any objection to this. There being no objections, Mayor Crewe noted the next agenda item is J-1, which is the consideration of Ordinance No. 1176, an ordinance

amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone properties located on the west side of South Fourth Street between West Madison Street and Railroad Avenue from M-1 Industrial to R-3 Residential, on first reading. He advised that the Council the recommendation from the Planning Commission. A motion was made by Councilman Jones and seconded by Councilman Weisiger to suspend the rules and adopt Ordinance No. 1176, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone properties located on the west side of South Fourth Street between West Madison Street and Railroad Avenue from M-1 Industrial to R-3 Residential, on first and final reading. Mayor Crewe indicated that so everyone will know, normally any ordinance the Council passes requires three readings, and it is voted on each time, and it takes three meetings to pass the ordinance. He explained that the motion on the floor at the moment, having been made by Councilman Jones and seconded by Councilman Weisiger, is to suspend with that process and adopt the ordinance on first and final reading, so there would not be a second or third reading of the ordinance, and it would be effective upon passage if this motion was to pass. He remarked that this is so everyone will know where the Council stands and where the motion is technically. Mayor Crewe inquired if there is any discussion on the motion to adopt Ordinance No. 1176 on first and final reading. Mayor Crewe remarked that the only thing he thinks is important, and advised that he believes the citizens know this because most of them were at the Planning Commission meeting, but asked the citizens to keep in mind, and noted that particularly Ms. Wilson was speaking, that if this rezoning is granted, it will not stop Reese Trucking from parking on the opposite side of the street or keep the trucks from running or keep the company from operating because Reese Trucking is not affected by this rezoning, and it is located on the other side of the block. He stated that this rezoning will not solve all of the problems, but it will grant the request for the block bounded by Fourth Street, Railroad Avenue, 4½ Street, and Madison Street to be rezoned. Councilman Weisiger noted that Reese Trucking will not be able to park their trucks around Ms. Wilson's home and leave them running. Mayor Crewe advised that Reese Trucking will not be able to park trucks on that side of the street, but he would be able to park the trucks across the street at their property because it will not be rezoned. Ms. Wilson inquired regarding the tractor without the trailers being attached and inquired if this would restrict them from being parked on their side of the street or if it is just for the full length of the tractor and trailer. Mayor Crewe noted there is a time limit on Ms. Wilson's side of the street for parking a tractor only. He stated that the tractor could still park there. Mayor Crewe stated that Town Manager Sutherland is going to obtain the Zoning Ordinance in order to answer this question. Mayor Crewe stated that the tractor could park on Ms. Wilson's side of the street for some period of time. Mr. Singleton inquired if a tractor-trailer driver can park his tractor in an R-1 Residential District. Mayor Crewe answered that the tractor cannot be parked in an R-1 Residential District overnight. Town Manager Sutherland stated there is a time length and a vehicle length restriction. Councilman Jones indicated that he thinks the length restriction is 35 feet. Mayor Crewe indicated that he thinks the length restriction is 45 feet. He noted that he believes a tractor without the trailer fits within the length restriction, but the tractor and trailer do not meet the length restriction. Ms. Wilson advised that she thinks the length restriction is 35 feet. Mayor Crewe advised that may be correct, and noted he knows that a tractor and a trailer are too long for the length restriction, but he thinks that only a tractor meets the length restriction. Councilman Weisiger inquired if this would prevent Ms. Wilson from parking her horse trailer on the street. Mayor Crewe stated he did not know the length of the horse trailer, but if it is beyond the maximum length, it would be prohibited. Mayor Crewe advised that Section 8-136 of the Town Code states, "Except for the purposes of loading and unloading merchandise or for temporary stops for businesses or other purposes," and Mayor Crewe advised that "temporary" means short-term, "no motor vehicle exceeding 22 feet in total length including the trailer shall park on North Main Street between southwest line of 7th and 8th Street on the west." Ms. Wilson pointed out that tractors are longer than 22 feet. Town Manager Sutherland stated that another provision states, "no vehicle greater than 20 feet or a width more than 8 feet shall be parked on the streets of any area in town zoned residential." He advised this is Section 8-14. Mayor Crewe summarized that there are some exceptions. He explained that no vehicle greater than 20 feet in length, and no motor vehicles the length of greater than 20 feet or a width of more than 8 feet, and no trailer, camper, or house trailer, shall be parked on the streets of Wytheville in areas zoned residential unless it is engaged in the actual loading and unloading. He noted it does not apply to the temporary parking of vehicles of an established commercial business, motor vehicles carriers while picking up or delivering, vehicles temporarily parked pursuant to the performance of work or service at such location. Mayor Crewe indicated that it defines the residential districts as the entire portion of any street, road, or highway wherein either side is contiguous to or adjacent to property zoned in a residential district of the zoning chapter of the Code. Mayor Crewe indicated that the maximum length is 20 feet long and 8 feet wide unless the vehicle is temporarily parked there loading, unloading, delivering, etc. Mr. Singleton inquired if there is a length or width number attached to temporary. Mayor Crewe stated there is no length or width number attached to a vehicle temporarily parked. Mr. Singleton inquired if there is a unit of time for a vehicle to be parked temporarily. Mayor Crewe noted there is also no time length on a vehicle parked temporarily. Mr. Singleton inquired if it

is a judgment call. Mayor Crewe stated that is correct, and, ultimately, it would be up to the judge to decide. Mr. Singleton inquired if it is a policeman's judgment call or a citizen's judgment call. Mayor Crewe answered that logistically, a citizen could ask the magistrate to issue a warrant, and if the magistrate did not issue the warrant, the citizen could try to convince the police officer to issue a warrant, and if the police officer did not issue the warrant, the citizen could try to convince a judge. He noted that anyone who disagrees with it, obviously, would have the right to ask the judge to state it is not in violation. Mayor Crewe indicated that the size of the vehicle that everyone was looking for is 20 feet long. Ms. Wilson noted that a tractor is longer than 20 feet. Mayor Crewe advised that the citizens will have to watch the exceptions of parking to unload, load, etc., and noted this would only be on the residential side of the street. Mayor Crewe inquired if there is an further discussion on the motion to adopt Ordinance No. 1176 on first and final reading. There being no further discussion, the motion was approved with the following voting in favor and there being no opposition:

FOR: Trenton G. Crewe, Jr., John W. Jones, Jr., William B. Weisiger, H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1176 was adopted on first and final reading. Mayor Crewe explained that the rezoning is effective immediately.

RE: ORDINANCE NO. 1177 – PETUNIA ROAD REZONING

Mayor Crewe presented Ordinance No. 1177, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone properties located on the west side of Petunia Road between Old Stage Road and West Lee Highway from R-3 Residential to R-1 Residential, on first reading. A motion was made by Councilman Jones and seconded by Councilman Weisiger to suspend the rules and adopt Ordinance No. 1177, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone properties located on the west side of Petunia Road between Old Stage Road and West Lee Highway from R-3 Residential to R-1 Residential, on first and final reading. Mayor Crewe inquired if there is any discussion on the motion. Councilman Weisiger stated he would like to know the opinion of the residents who requested R-1 Residential as to how they would feel about an R-2 Residential zone and inquired if anyone would like to respond to that. Mayor Crewe requested Town Manager Sutherland to review the information for R-2 Residential zoning. He indicated that the question that Councilman Weisiger is asking is how those residents who are involved in this rezoning and interested in this public hearing feel about changing from R-3 Residential to R-2 Residential rather than R-1 Residential. Mayor Crewe noted that the citizens may not have looked at the R-2 Residential requirements, and remarked that he is requesting this information at this time. He explained that R-1 Residential is the most restrictive, and R-2 Residential is slightly less restrictive, and R-3 Residential is less restrictive than R-2 Residential. Mayor Crewe stated so the citizens are aware and the Council minutes are complete, the Council has received a letter from James R. and Debra B. Cline who have stated they are in favor of the rezoning. He explained that their written comments are added to the minutes of the meeting. Mayor Crewe requested Town Manager Sutherland to state the permitted uses in an R-2 Residential District. Town Manager Sutherland stated he will read the permitted uses in the order they are cited and they include single family dwellings, multiple family dwellings not exceeding four family units per dwelling, existing structures may be converted into a multiple family dwelling accommodating not more than four units, manufactured homes with a special exception permit, home occupations, rooming and boarding houses, and noted the following uses are common to all zoning districts—public and semi-public uses such as churches, schools, libraries, and hospitals, public operated playgrounds and parks, public utilities, electric distribution, telephone distribution, accessory structures, semi-trailers which are licensed, and shipping containers which are licensed. He explained these last two items were an amendment by the Planning Commission to accommodate the construction of homes, and those are storage facilities. Town Manager Sutherland indicated that off-street parking is also permitted. Mayor Crewe explained that these are the uses that are allowed in an R-2 Residential District. He noted that most of those, as they alluded to earlier, would not be allowed in R-1 Residential, and some of them would be permitted in an R-3 Residential District. Mayor Crewe stated that anyone can respond to this if they desired. He noted the question is how the affected citizens would feel going from an R-3 Residential zone to an R-2 Residential zone, which would allow those permitted uses.

Mr. Greg Corvin was recognized and stated he thinks that Dr. Bechtel-Johnson cited this as well as Mr. Anders. He remarked that it is not so much property value that they have

invested, but they have their and their children's futures, and they have a nice neighborhood. Mr. Corvin stated concerning the R-2 Residential zoning versus the R-3 Residential zoning, he thinks the main crux of the R-3 Residential zone is the multiple family dwellings. He noted if the Council looks at Petunia Road, he used to travel Petunia Road 22 years ago when he was in high school taking a short cut from under the railroad, and it was a dirt road then. Mr. Corvin indicated that Petunia Road is basically the same road as it was 25 or more years ago. He noted that Old Stage Road is the same road it was 25-30 years ago basically. He stated that his concern, as is his neighbors' concern, in regard to the R-2 Residential zone, is the congestion. Mr. Corvin stated that logistically, to him, if they place 30-40 units on the corner, it will be a nightmare of traffic and confusion. He noted this is his personal opinion, and indicated he would think the other residents would feel the same way. Mayor Crewe stated he would take Mr. Corvin's comments to indicate that he would not be in favor of the R-2 Residential zoning. Mr. Corvin summarized that he would not favor the R-2 Residential zoning. He stated he would not want the Council to consider R-2 Residential zoning. Mayor Crewe thanked Mr. Corvin for his comments.

Mr. George Fisher was recognized and stated that first off, he did not think the Council should be doing one reading of the ordinance, and he thinks it should be done like the democratic process that is put forward for it to be considered. He stated that as far as \$125,000 houses, he was not going to state anything, but those are not junk houses, and everyone has to live somewhere. Mr. Fisher stated he objects to that, and he objects to Mr. Corvin's comments. He remarked that they own more land in this area, and he developed the Dodgion Street subdivision, and he restricted it. Mr. Fisher explained that what they plan on doing in this area is putting units on a smaller lot with two units on it where people can live and afford it and who are older and want to downsize. He noted that he is mad, and he objects to Councilman Jones going around the rules. Mr. Fisher advised that Councilman Jones is on the Planning Commission, and inquired as to why they brought up this rezoning and inquired if it is the job of the Planning Commission to bring up a rezoning. He stated he questions all of this. Mayor Crewe noted that first, no one is going around the rules, and the rules permit the ordinance to be adopted on first and final reading. He stated that secondly, the Planning Commission frequently initiates rezonings, and it is part of their rules and part of their duties. Mr. Fisher stated that the Planning Commission needs to let the citizens come forward and request a rezoning. Councilman Jones stated the Planning Commission did not initiate the rezoning, and it was considered because the Council requested it. Mr. Fisher noted that as he has stated, the Planning Commission should let the citizens request a rezoning. He remarked that this is a knee-jerk reaction to Mr. Andy Kegley's R-1 Residential development and everyone went out and tried to tell everyone else what to do. Mr. Fisher continued that this is exactly what is going on. He remarked that they own more land, and they have a bigger investment than any of the other residents, and the traffic is not atrocious in this area, and nor is it ever. He noted it is a dead end on the far end on Route 11 because a person has to go down and make a U-turn. Mr. Fisher stated the facts should be brought up, and he is serious about this matter. Mayor Crewe thanked Mr. Fisher for his comments.

Mrs. Kathy Desposito was recognized and stated she lives on the corner of Old Stage Road and Petunia Road. She stated there are a couple of questions she has of the Town Council. Mrs. Desposito inquired if the zoning is changed to R-1 Residential as to what will happen to the pump house that is on her property and inquired if that will be legitimate. Town Manager Sutherland stated that the pump house will be legitimate. Mrs. Desposito stated that this property was given to the Town by the people who owned the property before her. She noted that there are houses on Petunia Road that are pretty new, and they are very small houses, much smaller than what Mr. Fisher is talking about. Mrs. Desposito inquired how that these homes were permitted and noted that these homes are even smaller than what is required for an R-3 Residential District. Mayor Crewe stated any present structure that would not meet R-1 Residential District requirements, and noted there may be one or two homes and the indications are there are not many homes that do not meet R-1 Residential requirements, but it does not state there are no homes that do not meet the R-1 Residential requirements, and noted there may be some homes that are too small to comply with R-1 Residential standards or are too close to the setback lines to comply with R-1 Residential Districts or for whatever reasons do not meet the requirements in an R-1 Residential District, these homes would be allowed to continue as a nonconforming use if the R-1 Residential zoning is granted. He explained that everyone needs to be aware that if a nonconforming home was to be destroyed or if the destruction was 75 percent or more, for example, from a fire that severely damaged the home, the home could not be built as it was, but it would have to be rebuilt to the R-1 Residential standards. He explained that if it went out of use for two years, it would not be allowed to continue, and it could not start two years and a month later as a nonconforming use. Mayor Crewe explained that the use would have to be continuous in order for it to remain. He stated that something that is not in compliance with R-1 Residential requirements comes in under R-1 Residential zoning so long as it is continuous, but it is a nonconforming structure. He

reiterated that if it were destroyed or went out of use, it would have to be brought into compliance with R-1 Residential requirements. Mayor Crewe advised that he believes this is what Mrs. Desposito is asking. Mrs. Desposito noted that the residents were stating they wanted to have the bigger houses, etc. She advised if a person travels down Petunia Road, except for the new development, all homes are old homes, and they are all small homes. Mrs. Desposito indicated that there are no big homes except for the new development. She remarked that she cannot see why Mr. Fisher cannot do his development or why the zoning has to be changed to R-1 Residential for larger homes. Mrs. Desposito pointed out that she thinks the smaller homes would be more in compliance with what Wytheville is about. Town Manager Sutherland indicated that in the staff report from the Planning Commission it notes, "It appears from Town mapping information that all of the structures in the proposed rezoning area would comply with the provisions of the R-1 Residential Zoning District." He remarked that he did not know if the homes were measured, but, apparently, by mapping, it would appear that the homes comply. Mayor Crewe stated what bothers him is in the report, three lines down, it states, "those that do not comply would be considered nonconforming uses." Mayor Crewe stated that Town Manager Sutherland is correct and the report does not state there are no nonconforming homes, but it states that it appears from Town mapping information that the homes comply. He explained that sometimes the mapping information is not accurate or not complete. Mrs. Desposito noted that the Town is going to have problems because there are no homes that were put in, and they do have storage trailers on their property, and it is going to change that. She reiterated that the Town is going to have a lot of problems. Mayor Crewe thanked Mrs. Desposito for her comments.

Mr. Jack Singleton was recognized and stated that Mrs. Desposito who just spoke is correct on the mapping. He noted that the homes do comply because they are big. Mr. Singleton remarked that if the Council looks at individual deeds, the property is big enough for two or three R-1 Residential lots. Mr. Singleton noted that the property may be big enough for two or three R-1 Residential lots. He stated the rezoning to R-1 Residential is restricting the old time property owners of the ability to subdivide and get four lots rather than three lots, and it is more restrictive. Mr. Singleton advised that what Mayor Crewe stated about destroying people's property if something is not used for two years, it goes out of compliance. He noted it is actually the taking of property by zoning. Mr. Singleton explained that if it goes out of compliance or if a person's house burns, and they cannot rebuild, they are wiped out, and they are burned out. Mayor Crewe indicated that he disagrees with the legal conclusion because it is not a taking of the property. He explained that the new structure would have to comply with the regulations in effect at the time the new structure is completed. Mr. Singleton inquired if the new structure would have to comply in size and footprint and square footage. Mayor Crewe stated that is correct, and new structure would have to comply with R-1 Residential standards. Mr. Singleton noted that if someone's small house in an R-3 Residential zone gets burned, it is rezoned to R-1 Residential, and the person cannot build the small house back. Mayor Crewe advised that is correct, but noted this is not a taking of property, and this is the part of Mr. Singleton's statement he disagrees with. Mr. Singleton noted that is correct, and it is not a government taking, but it is restricting the financial ability of the person with the burned home to rebuild. He explained that the person is immediately required to build a larger and more sophisticated building and not be able to use the property. Mr. Singleton advised, for example, if a person does not want to use the property for two years, and the person's father gets sick, and does not use the building for two years for some reason, and the person inherits the building and the property, and it is nonconforming, they would not be able to use it. He stated he also wants to address the issue of the traffic. Mr. Singleton remarked that if growth did come to that area, whether zoned R-3, R-1, or R-2 Residential, growth is growth, and traffic comes along with it. Mr. Singleton inquired if there is some part of the Town and the way they run things where they would refuse to widen or improve streets and inquired if Petunia Road would also be a bottleneck as mentioned. He inquired if there is a provision for widening, taking, or condemning two or three feet on each side, like was done with Fourth Street and allowing for the traffic without changing the neighborhood. Mayor Crewe answered that the Town has the right to go to court and request condemnation, and request the court to condemn the land or whatever is needed to widen the street. Mr. Singleton advised that he thinks eminent domain sounds better than condemnation. He noted he is thinking of something like Fourth Street where they take three or four feet on each side. Mr. Singleton noted they did a good job on Fourth Street, and the neighborhood did not change, but all of the Wal-Mart and downtown traffic is flowing. Mayor Crewe advised that the difference he would take with this, and noted the Council can correct him if he is wrong, is there were no condemnations with Fourth Street and the State widened this street. Mr. Singleton inquired if the State did this because it was a U.S. highway. Mayor Crewe answered that there was no condemnation necessary, and people bought the property, sold it, or gave it so the State had the right of way it needed. Mr. Singleton advised that the process did not get as far as eminent domain because everyone was amenable to giving up three or four feet of their property and allowing the road to be widened. He noted that something like this could happen on Petunia Road and inquired if this is possible. Mayor Crewe stated that is

correct. Mr. Singleton indicated he did not want to have any children to get run over, but he would think that any of the zones could remain, and the traffic problems could be dealt with as they arise. Mayor Crewe thanked Mr. Singleton for his comments.

Mayor Crewe inquired if there is any further discussion on the motion.

Mr. Benny Lynn was recognized and stated there are approximately 25 residents in the vicinity that is being discussed, and from what he has heard from this, there is one opponent who lives there that is against the rezoning. Mayor Crewe thanked Mr. Lynn for his comments.

Mr. Jack Singleton was recognized and stated that this is very important when they consider that zoning is a very important town issue. He noted it has gone to the Supreme Court and it is constitutional, and it can be in the benefit of a town to zone, but it is not to be taken lightly. Mr. Singleton reiterated that a rezoning is not to be taken lightly. He remarked that there are to be compelling reasons from the total citizenry and not just a group of residents close to the proposed rezoning. Mr. Singleton remarked that this could amount to what is known as spot zoning, and it is a zone that someone wants in a particular location, so they are going to fix this spot. Mr. Singleton remarked that he did not get into this quickly, but inquired if the Planning Commission took a total poll of the community or if they are reacting to close neighbors. Mayor Crewe answered that the Planning Commission held a public hearing and anyone who desired could appear at that hearing. Mr. Singleton stated that is correct, but noted that sometimes residents of the R-3 Residential District, and advised that he tries to get them to attend meetings sometimes because this happens a lot, are underrepresented. Mayor Crewe noted that the Planning Commission's public hearing was not done behind closed doors, but it was held as it was at this meeting, and it was an open meeting. Mr. Singleton stated he knows it happened in Rural Retreat when the inoperable vehicles regulations were passed. Mr. Singleton indicated that no one came to the public hearings, but as soon as the race car drivers found out they could not have their parts car at their house and they had to hide it in a building or strip it down and put it in the basement, they did come to meetings, and the rules were reversed to allow two vehicles. Mr. Singleton noted that he has interviewed people in R-3 Residential Districts who do not show up at the public hearings, and he thinks it is bad for democracy, but he thinks sometimes the hearing process fails, and the governments acts on a "squeaky wheel" rather than the entire community. Mr. Singleton indicated that it is the people's fault for not attending the meetings. Mayor Crewe remarked that in response to that, he would request Mr. Singleton to not overlook the fact that a number of the citizens' properties at this meeting are zoned R-3 Residential and they have been at this public hearing and at the Planning Commission public hearing. Mr. Singleton interjected that he is not underrating their attendance at the meetings. Mayor Crewe indicated that the Town records reflect that there have been a number of citizens who live in R-3 Residentially zoned neighbors who spoke at the Planning Commission hearing and at this public hearing. Mr. Singleton inquired if there are residents from the other R-3 Residentially zoned neighborhoods. Mayor Crewe stated he is unaware of any other residents from the other R-3 Residential neighborhoods. Mr. Singleton pointed out that this is what he is stating, and noted another R-3 Residential zone is out by the Chinese restaurant. Mayor Crewe stated there are a number of R-3 Residential zones in town. Mr. Singleton stated that is correct, and noted some of them were spot zoned to begin with. Mayor Crewe thanked Mr. Singleton for his comments.

Mayor Crewe inquired if there are others who wish to address Council.

Mr. Robert Melton was recognized and stated he is a lifelong resident of Wytheville. He indicated that he owns a lot of various properties around Wythe County, and they are zoned R-3 Residential, R-1 Residential, and R-2 Residential. Mr. Melton advised that he is going to speak for the new LLC, which is the Country Club Heights Subdivision, which is now in the engineer's hands. He advised that they are currently choosing an engineer, and they are getting ready to get the layout on this property and engineering and they are getting read to spend approximately \$1 million. Mr. Melton stated that they own the acreage in Wythe County and the Town of Wytheville, and the new four lots on Petunia Road and everything from the cul-de-sac on Dodgion Street. He remarked that he can see the concerns, and noted he has a lot of good friends who live in this neighborhood. Mr. Melton stated he has to speak for Mr. Larry Edwards with American Express, and noted he is another member of the LLC of Country Club Heights. He noted he did not think changing from R-3 Residential affects them that much. Mr. Melton remarked that the R-2 Residential zoning is what they need even if the Council puts special conditions on it. He advised that all they are considering is a lot with a single level, probably a 7:12 roof pitch, of about 1,300 square feet with a closed in garage on the end, and with a 7:15 roof pitch covered porch on the front and a small deck on the back, patio home. Mr. Melton reiterated that these are the type of homes they are considering. He noted there will be two of these homes per lot. He noted the garages will adjoin, and they will have a common driveway. Mr. Melton noted that a person would drive in their garage and enter their home through their

kitchen. He advised that the R-1 Residential zone would hurt their development desperately with the investment that their LLC has in the property. He advised that he can see all of these citizens' concerns about an apartment building. Mr. Melton stated they are not talking about apartments, and they do not want to build apartment buildings. He noted they cannot put apartment buildings in the caliber of subdivision they are proposing but will be constructing when they get everything going, and noted they are currently working on this project. Mr. Melton explained that they have spent approximately \$600,000 purchasing the property which they now own, counting the lots they purchased on Petunia Road. He advised he would like for the Town to consider this as well as the citizens of the area. Mr. Melton noted they are not for the R-3 Residential zoning. He advised that the R-1 Residential zoning would work, but they need the R-2 Residential zoning with a special condition where they can put two units per lot, and not a high riser, but two nice units with a garage in the middle of them. Mayor Crewe indicated that Mr. Melton noted that the R-1 Residential zoning would work, but it would not allow this type of housing. Mr. Melton advised that this is their disagreement about going to R-1 Residential, and it eliminates their \$130,000 for people wanting to downsize. He noted that like himself, he has a \$500,000 house in Fort Chiswell to downsize, and for him to move into this type of housing so he can stay at the beach instead of mowing grass like he currently has to mow five acres. Mr. Melton remarked that there are different people who need this type of home. He stated that, in fact, he has a proposal with Building Official Massie at this time. Mr. Melton explained that he purchased an R-3 Residential lot next to George Wythe High School and one on Railroad Avenue, and this is what he is going to put on both of these lots. He advised that this is what they are requesting is an R-2 Residential zoning with a special permit. Mr. Melton noted that he thinks they are the ones who are going to be doing the most building in this area, and they would like to put two units per lot. Mayor Crewe thanked Mr. Melton for his comments.

Mayor Crewe inquired if there are others who wish to address the Town Council.

Ms. Mabel Jo Wilson was recognized and stated she considers herself a resident of Wytheville, but she lives in Roanoke and is active in neighborhood associations there. She advised that what Mr. George Fisher is asking for is popular everywhere, and people are retiring and possibly there needs to be another designated area for a closed community retirement with possibly an entrance to this type of development. She advised that the courtyard or the patio home is the thing that is going on at this time. Ms. Wilson stated that for R-2 Residential zoning, Mayor Crewe advised that an existing house could be multiple family for four families. She noted that in Roanoke, they have discovered that the demise of the neighborhoods in Roanoke is because if they were zoned multiple family, the big houses deteriorated. Ms. Wilson indicated that one of these days, possibly in 50 years, this will happen to these large homes in Wytheville.

Mayor Crewe inquired if there are others who wish to address the Town Council.

Mr. George Fisher stated he was mad because things are being misrepresented. He noted that he does not think the Council should ask for one hearing and vote and do the democratic process in. Mr. Fisher remarked that he apologizes if he pointed Councilman Jones out. He stated he does not think that Mr. Lynn has polled everyone out on Petunia Road, and noted that he objects to him stating that 25 residents are for the rezoning and one is opposed to it. Mr. Fisher indicated that this is not the case. Mr. Fisher stated this is nothing against Mr. Lynn and that he is friends with Mr. Lynn. He pointed out that there is a need for what they are talking about. Mr. Fisher advised that what they are talking about is an area where there is water and sewer, which is the reason they purchased these four additional lots. He noted that they not only purchased four additional lots, but they own another 15 acres in town beside those four lots. Mr. Fisher stated he knows there is a need for this type of housing, and he knows there is a need for housing all on one level and a person does not need bedrooms upstairs. He reiterated that their development is not going to hurt this neighborhood. Mr. Fisher indicated that as he has stated, he built Dodgion Street, and he restricted it more than R-1 Residential requirements at this time. He remarked that he has nothing against Mr. Lynn, but advised he knows Mr. Lynn has not polled everyone on Petunia Road. Mr. Fisher stated he thinks that with one hearing, the Council is doing away with the democratic process, and noted he thinks the Council needs to run the course on the ordinance. He advised that there is a need for this type of housing. Mr. Fisher remarked that as Ms. Wilson stated, there is a need for this type of housing in this area and there is a demise of the neighborhoods. He pointed out that not everyone can have an R-1 Residential 1,400 or 3,000 square foot home. Mr. Fisher noted that the traffic in this area is no more than anywhere else in town, and it has not been, and it is not going to be. Mayor Crewe thanked Mr. Fisher for his comments.

Mr. Benny Lynn was recognized and remarked that all the residents are asking is that the ten percent of this 170 acres that the LLC owns be rezoned to the R-1 Residential zoning, and not their entire property, and that is in the County. He remarked that they are only asking for the

property that immediately joins their property that is within the Town limits to be rezoned, which is ten percent of their property. Mayor Crewe thanked Mr. Lynn for his comments.

Mr. Jack Singleton was recognized and stated he would like to respond to Mr. Melton's proposal on the R-2 Residential zoning with special conditions and with regard to how much money he is spending. Mr. Singleton advised that he thinks those are "red herring" discussions because a special condition, should it be rezoned R-2 Residential, what becomes of the R-2 Residential zonings regulations currently in place. He inquired if those special conditions are immediately applied to the other four or five locations of R-2 Residential Districts or if this would be special in this new proposed R-2 Residential District. Mr. Singleton explained that to him, there are zoning regulations and there are zones. He noted that special regulations within a zone would, clearly, be spot zoning. Mr. Singleton remarked that the Council would be stating that something special could go on in a spot and not in that spot where it did not go on before. He noted these real issues always come up. He advised that Ms. Wilson talked about the neighborhoods changing when the big houses go to apartments. Mr. Singleton noted that Ms. Wilson's other problem on Madison Street seems to be police protection, too. He advised that this is what happens in the neighborhoods sometimes. Mr. Singleton remarked that he is living in an R-3 Residential District in a high crime zone, and the police seem to respond differently to problems or disturbances late at night. He noted they come and talk to people. Mr. Singleton explained that he recently had an instance with a trespasser that was not dealt with at all by the police, even with Town posted signs on it, and it was not dealt with by the police. He noted he made a 9-1-1 call about this, and the police asked him if he and the person were getting along now. Mr. Singleton remarked that he thinks if a person living in an R-1 Residential District calls and states there is someone doing something on their property, the police would haul the trespasser off. He noted he does not have the poll like Mr. Melton is talking about, and he inquired if Mr. Benny Lynn polled those economic statistics and took thousands of dollars in man hours, and noted all he can state is that police protection makes all neighborhoods better whether there are four units in a house or one house. Mr. Singleton stated that the special regulations within a zone is spot zoning, which he thinks is illegal. Mayor Crewe thanked Mr. Singleton for his comments.

Mayor Crewe inquired if anyone on Council has any discussion on the motion. Councilman Lambert remarked that he has some reservations about this rezoning. He noted that since the rezoning has been initiated by the Town, people bought property with the R-3 Residential zoning in place. Councilman Lambert indicated that he thinks the Council has to give some weight to their desire and their investment and what they want to do, first. He stated that secondly, he would like to know where these lots are located, and, perhaps, there may be something rather than a whole zoning approach, and there could be some R-1 Residential and some R-2 Residential zoning, and protect the people who desire the protection of their investment in the larger homes and, also, provide, what he thinks is a needed type of housing in an R-2 Residential zone. Councilman Lambert inquired if Mr. Fisher could comment on this. He inquired as to the ownership of the four lots that Mr. Fisher purchased. Mr. Fisher pointed out on a map the location of their lots. He also depicted on the map the location of Mrs. Desposito's property. He explained on the map the location of the property where the owners are currently running cattle. Mr. Fisher noted on the map where Dodgion Street is located and where Mr. Benny Lynn lives as well as where cattle are located on people's properties. He advised that he does not think their development is harming the neighborhood. Mr. Fisher remarked that he would prefer R-2 Residential zoning with further restrictions of two units per lot. He stated he is trying to offer something a little different than lots that are all R-1 Residential. Mr. Fisher explained that there are cattle running on several properties in this area. Councilman Lambert remarked that it has taken him 70 years to get to Town Council, and he does not want to make a hasty decision on this matter. Councilman Weisiger inquired if Councilman Jones would be willing to change his motion to first reading only and give the Council some time to consider this matter. Councilman Lambert noted that this is also his thinking on the matter. Mayor Crewe indicated that a substitute motion can be offered. Town Attorney Kaase remarked that the Town Council has other parliamentary alternatives as well. Mayor Crewe noted that is correct. Councilman Weisiger inquired if the Council has to deal with Councilman Jones' motion first. Mayor Crewe noted that he can offer a substitute motion. Town Attorney Kaase remarked that a motion could be moved that it be deferred to a later date or referred to a Committee, or a number of other alternatives. Mayor Crewe remarked that the Council could table the matter. Mr. Fisher remarked that he would like to add that for these people who are speaking against the rezoning, he has nothing against them. He noted that these people's parent will need somewhere to live a little later on, and they will be looking for some housing like this close to them. He noted that everyone will need this type of housing at one time or another, and indicated that he is sure of this. Mayor Crewe remarked that according to Robert's Rules of Order, the Council has to vote on the amendment. He noted the motion could be amended to change first and final reading to first reading and delete the word "final." Mayor Crewe remarked that this solves what he thinks is being requested. He noted that a motion could be made to table the matter, which is non-debatable and the Council will vote on it. Mayor

Crewe noted if the matter is tabled, it will come up at the next meeting on first and final reading. He stated the motion and the second could be withdrawn if they desire. Mayor Crewe indicated that all of these alternatives would stop the ordinance from being considered on first and final reading, and noted this is what Councilmen Weisiger and Lambert would desire. Town Attorney Kaase noted that a motion could be made to change the motion on the ordinance from first and final reading to something else, but that motion would then have to be seconded and voted on. A motion was made by Councilman Weisiger to change the original motion and adopt Ordinance No. 1177, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone properties located on the west side of Petunia Road between Old Stage Road and West Lee Highway from R-3 Residential to R-1 Residential, on first, but not final, reading. Mayor Crewe noted that this motion is to consider the ordinance only on first reading, and not first and final reading, and it would delete the words "and final" from the original motion. The motion was seconded by Councilman Lambert. Mayor Crewe noted there is a motion on the floor to change it to read, "but not final reading," so the ordinance would go through at least one more reading. He inquired if there is any discussion on the motion to change the pending motion to adopt Ordinance No. 1177 on first reading. There being no further discussion, the motion was approved with the following voting results:

FOR: Trenton G. Crewe, Jr., William B. Weisiger, H. Judson Lambert

AGAINST: John W. Jones, Jr.

ABSTENTIONS: None

Mayor Crewe noted that now the motion on the floor is to adopt Ordinance No. 1177 on first, but not yet final, reading. He inquired if everyone attending the meeting understands this. Mayor Crewe explained that what happened is that the Council struck the words "and final" from the motion that is on the floor. Mr. Singleton inquired as to what is the common sense explanation. Mayor Crewe answered that the ordinance will go through at least one more reading, if this motion passes, and noted that the motion has not passed yet. He explained that the motion on the floor was to finalize the ordinance at this meeting, but the motion now on the floor is not to finalize the ordinance at this meeting, but to change it from first and final reading to only first, but not final, reading. Mayor Crewe stated this is logistically the housekeeping chore that the Council just done. He stated his Robert's Rules of Order are correct and his parliamentarian, Town Attorney Kaase, is helping him out. Mayor Crewe inquired if there is any discussion on the motion to adopt Ordinance No. 1177, an ordinance amending Ordinance No. 640, generally known as the Zoning Ordinance, to rezone properties located on the west side of Petunia Road between Old Stage Road and West Lee Highway from R-3 Residential to R-1 Residential, on first, but not final, reading. Mr. Singleton stated that Councilman Lambert synthesized the views of those attending the meeting by noting that possibly there could be R-1 Residential and R-2 Residential zonings and more closely review this matter. He noted that he would caution, again, that as the Council subdivides one zone and another, there is 10 percent of that little area, and there can be R-1, R-2, and R-3 Residential zonings, and all of this becomes a serious issue of spot zoning. Mr. Singleton indicated that the ultimate spot zoning is, for example, if his house is zoned R-1 Residential and his neighbor's house is zoned R-3 Residential. Mayor Crewe remarked that spot zoning is illegal and cannot happen and is not an issue. Mr. Singleton noted that is correct, but it does not have to be just one lot at a time, and it can be similar to what Councilman Lambert is suggesting that there be all three zones there together. Mayor Crewe advised that if there are all three residential zones, it is not spot zoning. He explained that he is going to rule these comments not germane to the motion because the motion is Ordinance No. 1177 being considered on first, but not yet final, reading. Mayor Crewe remarked that the ordinance is to rezone the properties from R-3 Residential to R-1 Residential. He noted the ordinance or motion has nothing to do with R-2 Residential at this time. Mayor Crewe inquired if there is any further discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition:

FOR: Trenton G. Crewe, Jr., John W. Jones, Jr., William B. Weisiger, H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Mayor Crewe stated that Ordinance No. 1177 passed on first, but not final reading. He remarked that this means that as of this meeting, no rezoning has taken place, but the properties are one step further to being rezoned. Mayor Crewe indicated that he would strongly suggest to the citizens who are interested in this matter to come back to the next Council meeting, and if it is available to them, read it online. He explained that the Council agendas

are available online. Mayor Crewe noted that this is not an ended matter, and it is still under the Council's review. He stated that ordinarily, the ordinance will be an item on the next Council agenda for second reading. Mayor Crewe advised that so everyone will know, anything can happen at the next meeting. He stated the ordinance could be passed on second and final reading as it stands, the ordinance can be amended to place part of the properties in R-1 Residential and part of the properties in R-3 Residential. Mayor Crewe reiterated that anything can happen, and any of those options are still possible. He summarized that where the ordinance is currently is it has passed on first, but not final, reading. An inquiry was made as to when the next Council meeting will be held. Mayor Crewe advised that the next meeting will be in two weeks, which will be August 23, 2004. He noted that the Council meets on the second and fourth Mondays of each month. Mayor Crewe remarked that he cannot imagine this happening, but so everyone will know, anytime there is a fifth Monday, which there is this month on August 30, there is also a Town Council meeting, and the Council will be meeting in Rural Retreat. He explained that on the fifth Mondays, the Wythe County Board of Supervisors, the Rural Retreat Town Council, and the Wytheville Town Council will meet jointly, and the three governing bodies rotate this on an annual basis, and this year, it is Rural Retreat's turn to host the meetings. Mayor Crewe advised that on August 30 at 7:00 p.m., all of the governing bodies will be meeting at the Rural Retreat Town Hall. He stated there is a Town Council meeting on August 30, and, theoretically, this matter could come up there. Mayor Crewe indicated he would doubt that this would happen, and historically this has not been done. He stated he just wanted to ensure that everyone is aware of all of the meetings, and everyone should read the agendas and look for this topic, and there is a joint governmental bodies meeting. Mayor Crewe stated he cannot imagine that the Council will consider something such as this ordinance out of town at a Rural Retreat meeting, but it could happen. Councilman Jones advised that he agreed. Mayor Crewe indicated that he cannot imagine the Council considering this ordinance at the Joint Governing Bodies meeting, but he does not want anyone to state the Council did not tell them so, and, therefore, he is telling the citizens that August 23 and August 30 will be the next two meetings of the Town Council. He explained that the first meeting in September will be September 13, or the second Monday in September. Mayor Crewe noted that September 13 and September 27 are the two meetings in September. He thanked the citizens for their patience and their participation, and noted without the citizens, none of this makes any sense, and the Council appreciates the citizens attending the meeting and participating.

RE: ORDINANCE NO. 1178 – SUBDIVISION ORDINANCE FLOODPLAIN REGULATIONS

Mayor Crewe presented Ordinance No. 1178, an ordinance amending Ordinance No. 652, generally known as the Subdivision Ordinance, Section 5, General Regulations, Subsection 5-4, Building Site; and Section 7, Establishing Floodplain Districts, Requiring the Issuance of Permits for Development, and Providing Factors and Conditions for Variances to the Terms of the Ordinance; and to consider amending the Town of Wytheville Zoning Ordinance, Article XIV – Permanent Mobile Home/Manufactured Home Parks, Section 14-1, Application for Permit, to include floodplain regulations on first reading. Councilman Jones inquired if this is to bring the Town's regulations into compliance with the State regulations. Mayor Crewe stated that is correct. A motion was made by Councilman Jones and seconded by Councilman Lambert to suspend the rules and adopt Ordinance No. 1178, an ordinance amending Ordinance No. 652, generally known as the Subdivision Ordinance, Section 5, General Regulations, Subsection 5-4, Building Site; and Section 7, Establishing Floodplain Districts, Requiring the Issuance of Permits for Development, and Providing Factors and Conditions for Variances to the Terms of the Ordinance; and to consider amending the Town of Wytheville Zoning Ordinance, Article XIV – Permanent Mobile Home/Manufactured Home Parks, Section 14-1, Application for Permit, to include floodplain regulations on first and final reading. 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., John W. Jones, Jr., William B. Weisiger, H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1178 was adopted on first and final reading. Mayor Crewe advised that these regulations are effective immediately.

Mayor Crewe thanked all of the citizens for attending the meeting and invited them to attend other Council meetings even if there are no agenda items they have concerns about.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The Town received an inquiry from Discovery Island Preschool that would desire to hold a fundraising activity tomorrow, Tuesday, August 10, 2004, in Withers Park. The nature of the event is that the children are going to ride tricycles for funds, and they are going to solicit funds. The reason this is before the Town Council is that park rules specifically prohibit wheeled toys in Withers Park, and this would merely be to acknowledge that the Council would be authorizing the activity. It is only a one-hour activity, and it is at 10:00 a.m. in the morning. Town Manager Sutherland advised that he does not think the activity would cause a large impact, but it would need Council action to permit it. A motion was made by Councilman Weisiger and seconded by Councilman Jones to grant permission to Discovery Island Preschool to hold a fundraising activity in Withers Park at 10:00 a.m. on Tuesday, August 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., John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.
2. The Town has received a request from the Fellowship Baptist Church where the Granite Christian Academy is located. The church is making arrangements with a local sign maker to make a new sign for the church that will have a changeable copy, but they are currently in enrollment in the school, and the church would like to obtain a permit to put up a sign noting that enrollment is currently underway. The church would like to obtain a permit for 45 days for a temporary sign that someone is constructing out of plywood, a fold-it type sign noting that school enrollment is underway, and, thereafter, they should have their new permanent sign erected. Many churches have copy signs of the times of the sermons, etc. A temporary sign does require a Council action. Mayor Crewe stated the request is for a temporary sign no longer than 45 days' duration. Town Manager Sutherland advised that is correct. A motion was made by Councilman Jones and seconded by Councilman Weisiger to grant a temporary sign permit to Fellowship Baptist Church for a temporary sign to be erected no longer than 45 days. Councilman Lambert inquired if the sign is in violation of the Town's regulations. Town Manager Sutherland noted that the sign is not in violation of any of the Town's regulations. Mayor Crewe pointed out that it is just a temporary sign. Town Manager Sutherland reiterated that any temporary sign requires a permit by Town Council. Mayor Crewe inquired if there is any further discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.
3. Mayor Crewe received a letter from Wythe County Community Hospital thanking the Police Department for the work they did for traffic enforcement around the hospital and the new road into the hospital, etc. Town Manager Sutherland noted that the hospital has been having some problems with illegally parked trucks, etc., and the Town has been working on this quite a lot, and the hospital acknowledged that they appreciated the work of the Town. Mayor Crewe advised that Town staff can pass this letter along to the appropriate parties, and noted that Officer Shuler can, likewise, share the word. He noted that the letter can go through the chain of command, but the hospital thanked the Town for its efforts.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, stated that as the Council knows, the Virginia Department of Housing and Community Development has offered a grant to the Town in the sum of \$700,000 to be used for the development of the child care facility at the new community center. He advised that the child care facility will be managed and operated by Wytheville Community College and will serve as a training laboratory for students enrolled in child care education. Councilman Jones indicated that there were several conditions imposed by the Department of Housing and Community Development as conditions of the grant. He stated that one of the conditions stipulates that at least 51 percent of the children utilizing the child care facility must be from low to moderate income families. Councilman Jones advised that the State views this grant as an economic stimulus activity since it will provide day care for parents who otherwise could not enter the job market because of the lack of day care. He stated that the other stipulation imposed by the State was that an Advisory Board be created that would set administrative and other policy standards for the facility. Councilman Jones advised that the State has requested that this Board consist of a broad range of citizens throughout the community representing industry, business, social service organizations, and persons

experienced with child care. He remarked that as such, the Council needs to create a Wytheville Community Center Child Care Advisory Committee and make appointments to it. He noted that the Committee has attached, for the Council's review, a list of persons who have been suggested to serve on this new Advisory Board. Councilman Jones stated, therefore, it is the recommendation of the Budget and Finance Committee that the Council create the new Advisory Board and appoint the persons listed on the attached sheet. Mayor Crewe inquired if the members would be serving a one-year term. Town Manager Sutherland advised that he did not know the length of the term of office. Mayor Crewe noted that the Council is creating this Board, and, therefore, they can determine the term of office. He stated he does not think the term of office has been specified in anything that he has seen. Town Manager Sutherland advised that he thinks it would be acceptable to appoint the members for one year, and they could be reappointed. Mayor Crewe inquired if anyone has any questions about any of the individuals who have been invited to serve, or is there someone the Council would like to see included that is not on the list. It was the consensus of the Council to approve appointing Dave Elmore, Linda Batchelor, Jerry Horn, Larry Corvin, Jennifer Walters Tatum, Rhonda Keen, Wilma Snyder, Wayne Sutherland, Steve Moore, Rick Showalter, Jackie King, Joel Hash, Ann Alexander, Mike Hall, and Esther Hider to the Day Care Center Advisory Board.

Councilman Jones also reported that the Town has observed recently that there are many yard and/or garage sales being conducted around town. He noted that the Town has received several inquiries regarding the regulations for these types of sales that are conducted within the corporate limits. Councilman Jones remarked that the Committee thought it might be helpful to review these regulations. He stated that the Town's Code provides that garage and/or yard sales are limited to two sales during any calendar year. Councilman Jones indicated that the sales cannot last for a period longer than two consecutive days, and any goods offered for sale must be second hand or used items owned by the person or persons conducting the sale. He stated that additionally, it is prohibited to attach any sign to a telephone or electric pole or in the public right of way whatsoever to advertise yard and/or garage sales. Councilman Jones explained that these regulations have been developed through the years because an extensive number of yard sales often is disruptive to a neighborhood. He noted that additionally, signs that are attached to electric poles and within the right of way are usually not removed and become unsightly. Councilman Jones stated that the Town would encourage everyone to comply with these regulations when conducting yard sales. Mayor Crewe advised that he hopes everyone will adhere to the rules. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Lambert, reporting for the Public Works Committee, reported that the Town has received a petition from property owners bounded by 22nd, 24th, Pine, and Spiller Streets who are desirous of closing and abandonment of a 15-foot alley that lies parallel to Spiller and Pine Streets terminating on 22nd and 24th Streets. He stated the petition is signed by all abutting property owners. Councilman Lambert noted that State Code provides that the process for considering such abandonment and closing requires the appointment of viewers and the conducting of a public hearing. He noted it has been the practice of Council in the past to appoint the Public Works Committee as viewers. He advised that, also, it will be necessary to conduct a public hearing which could be held at the September 13 meeting of Council. Councilman Lambert advised that as such, it would be the recommendation of the Public Works Committee that the Council appoint the Public Works Committee as viewers for this matter and that a public hearing on this matter be set for September 13. Mayor Crewe indicated that he does not think the Budget and Finance Committee had any problems with any of these recommendations. It was the consensus of the Council that the Public Works Committee be appointed as the viewers of the alley closing request and that a public hearing be set to consider this matter at the September 13, 2004, Council meeting.

Councilman Lambert also reported that the Town continues to notice and have problems with persons who are placing brush and yard clippings along the street for the monthly pick up. He stated that the Committee wants to remind everyone that each residence is limited to no more than one truckload of brush per month. Councilman Lambert indicated that quantities in excess of this amount create problems for the Public Works Department and delay pick up of other complying piles. He stated that additionally, all brush that is brought to the street for pick up should not in any way be placed on any travel portion of the street. Councilman Lambert advised that brush is not to be piled on any pavement or across curb and gutter such that it impedes vehicular traffic. He remarked that the Town has observed that some persons are piling their brush completely on the travel portion of a street, and this results in sight problems and other traffic problems. Councilman Lambert stated it may be necessary for the Town to take legal action against those persons who continue to pile brush in the travel portion of the street. He advised that the Town thinks brush pick up is a very valuable program, and

citizens enjoy the convenience of having brush picked up. Councilman Lambert noted, however, that persons who continue to violate regulations will necessarily be cited. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: APPOINTMENT – WYTHEVILLE REDEVELOPMENT AND HOUSING AUTHORITY

Mayor Crewe stated the next agenda item is the notification of an appointment to the Wytheville Redevelopment and Housing Authority to fill the expiring term of Mrs. Jean Lester whose term expires September 8, 2004. He noted that Mrs. Lester is not eligible for reappointment. Mayor Crewe inquired as to the pleasure of Council and if they desired to appoint someone or table action on the matter since there is another Council meeting before Mrs. Lester's term ends. A motion was made by Councilman Weisiger to table action and wait until the next Council meeting. He advised that he is unsure that the Authority has a representative from the actual residents. Town Clerk Hackler advised that there is a resident who is already appointed to the Authority. Councilman Weisiger advised that he will withdraw his motion. A motion was made by Councilman Jones and seconded by Councilman Weisiger to appoint Mr. Thomas F. Hundley to the Wytheville Redevelopment and Housing Authority. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: APPOINTMENT – BOARD OF ZONING APPEALS

Mayor Crewe stated the next agenda item is the notification of an appointment to the Board of Zoning Appeals to fill the expiring term of Mr. David Bush whose term expires September 10, 2004. He noted that Mr. Bush was appointed at the June 28, 2004, Council meeting to fill Councilman Lambert's unexpired term on the Board of Zoning Appeals. He advised that Mr. Bush is eligible for reappointment. Mayor Crewe advised that Mr. Bush is the Planning Commission representative on the Board of Zoning Appeals, and this appointment is made by the Circuit Court. A motion was made by Councilman Jones and seconded by Councilman Weisiger to recommend to the Circuit Court to reappoint Mr. David T. Bush as the Planning Commission representative to the Board of Zoning Appeals. 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., John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: COLEMAN SHULER

Councilman Jones advised that he would like to make a motion regarding the case with Mr. Coleman Shuler. He explained that everyone heard Mr. Shuler's comments, and indicated that he is basing his motion on the fact that it has been six years since the Town last took action, although nothing has changed and Mr. Shuler is not in compliance, he still thinks the Town Council would be wise to delay until January 4, 2005, the court appearance with Mr. Shuler with the stipulations that Mr. Shuler recognizes that he either has complete compliance as of January 4, 2005, or the Town is going to take Mr. Shuler to court, and the second stipulation is that Mr. Shuler not come back to Committee meetings or the Town Council meetings on this particular subject. The motion was seconded by Councilman Weisiger. Mayor Crewe advised that the motion is that the Town Council request the Court to delay the pending court action until January 4, 2005, under two conditions with one being that Mr. Shuler completely comply with the Town requirements by January 4, 2005, or the case be heard on that date, and, secondly, that Mr. Shuler not appear at Committee or Council meetings with the same request. Mayor Crewe inquired of Councilman Jones if that is correct. Councilman Jones stated that is correct. Mayor Crewe inquired if there is any discussion on the motion. Councilman Weisiger inquired if the Council can enforce the stipulations and if they are enforceable that Mr. Shuler not come before the Committee meetings or the Council meetings with this matter. Councilman Jones answered that Mr. Shuler can attend the meetings, but he cannot discuss that particular issue. He noted he recognizes that Mr. Shuler has a right to attend the Committee and the Council meetings, but he is stating that if the Council votes to do this, to him it is an issue that does not need to be discussed until such time that Mr. Shuler either complies or the Town has to take Mr. Shuler to court. Mayor Crewe remarked that logistically, the way to enforce it would be that the presiding officer at the Committee meetings or himself at Town Council meetings would rule Mr. Shuler's comments on this subject out of order if Mr. Shuler wants to discuss the same topic. He noted that under this motion, if it passes, it would not be a germane topic for that meeting. Mayor Crewe indicated that Mr. Shuler could come to the meetings and bring something new or something different, and Mr. Shuler can, certainly, attend the meetings since they are public meetings. Mr. Shuler inquired if he could address this matter. Mayor Crewe advised that he will recognize Mr. Shuler in a moment. Councilman Weisiger inquired as to what would happen after January 4, 2005. Councilman Jones answered that the Town would take Mr. Shuler

to court after January 4, 2005, if he has not complied with the Town regulations. Councilman Weisiger noted that then, Mr. Shuler is eligible to come back to Committee meetings and discuss that topic. Councilman Jones advised that is correct. Mayor Crewe inquired if there is any other discussion on the motion. There being none, Mayor Crewe recognized Mr. Coleman Shuler. Mr. Shuler stated he appreciates Mr. Jones' motion and indicated that he appreciates the second to the motion that allows the Council to discuss this. Mr. Shuler stated he will be totally willing to comply with those stipulations because it has been his position from the very beginning that he and the Town work together because he does need the Council and their help. He noted it is a fact that he is trying to recover from some serious health issues, so, therefore, his economic survival of his home and other pressing responsibilities is his top priority. Mr. Shuler indicated that by the Town being willing to work with him on these matters, it will enable the Council to accomplish what they want, which is compliance, and by knowing that the Council does show as a majority body with a quorum present and by a majority vote, if the Council approves this motion, this will give him the belief that he can continue to work on making the situation in compliance and also deal with his other day-to-day financial responsibilities and health responsibilities. He advised he is more than willing not to come to the meetings on this topic because he will have the awareness that they are working together to solve the initial problem, which is to get things into compliance. Mr. Shuler noted he will have the knowledge that he does not have to face the litigation process, but he can face the solution process. He advised that the solution process is the first priority that he has of economic sustenance, and the second of living up to the honor and commitment that the Council hopes he will do. Mr. Shuler remarked that he wants to live up to common sense and cooperative expectations, and noted he wants to earn the trust and respect of each Council member and each Town staff member. He stated he wants to be worthy of an affirmative vote on this motion, and advised he will make every effort to do that. Mayor Crewe indicated that Town Attorney Kaase has reminded him of another concern, and noted he is trying to figure out how to word this. He noted that as the Council discussed earlier, this is a criminal warrant of the Commonwealth of Virginia vs. Coleman Shuler being prosecuted by the Commonwealth Attorney's Office. Mayor Crewe indicated that even if the Council voted that they wanted to continue this case, the Commonwealth Attorney may disagree and not continue it. He noted he does not think this would happen, but advised that he thinks in order to continue this case until January 4, 2005, the Council will probably have to seek court approval to withdraw the summons and start over again. He noted that even, again, and noted he cannot imagine the Court not doing this, but the Court would have to state it is acceptable to withdraw this. Mayor Crewe explained that it is out of the Town Council's control once the suit is filed, and it is up to the Court to determine for the case to go forward or not go forward. He noted he could not imagine the Court wanting to go forward or the Commonwealth Attorney's Office wanting to go forward if the Town Council does not want to. Mayor Crewe requested Mr. Shuler to keep in mind that the Council could pass all of this, and the Commonwealth Attorney's Office may state they are going to proceed. Town Attorney Kaase indicated that he had understood Councilman Jones' motion to be that the Town Council would ask that the complaint be withdrawn, and he noted an alternative would be that the Town Council could ask that the matter be postponed by the Court. Mayor Crewe noted that either of these options would take a Court approval which is not up to the Council. He requested Mr. Shuler to keep this in mind as the Council proceeds through this. Mayor Crewe inquired if there is any other discussion on the motion proposed by Councilman Jones to delay until January 4, 2005, or to withdraw, if this is what the Court needed the Town to do under the stipulations that were stated, which is that Mr. Shuler must comply by January 4, 2005, or the case be tried by then, and for Mr. Shuler to not come to Council or Committee meetings to raise the same issue. There being no further discussion, the motion was approved with the following voting results: For: John W. Jones, Jr., H. Judson Lambert. Against: William B. Weisiger. Abstentions: Trenton G. Crewe, Jr.

Mayor Crewe noted that he has represented some of Mr. Shuler's family members, and, therefore, he abstained from voting. He noted there are two yea votes, one nay vote, and he abstained. He noted his rule is that this is a majority of those voting at this meeting, and this motion passes. Mayor Crewe inquired of Town Attorney Kaase if this is in accordance with his interpretation of Robert's Rules of Order that if there is one person abstaining, there would be three votes, and with two yeas and one nay, the motion passes. Town Attorney Kaase advised that is correct. Mayor Crewe summarized that the motion passes with a 2-1 vote. Mr. Shuler thanked Town Council for the vote. Councilman Lambert advised Mr. Shuler that he hopes he will not take this as an opportunity to delay compliance. Mr. Shuler stated he will definitely not do that because he has started already. He remarked that he would like to further state that anytime any of the Council members would like to ask him a question, want information, want an update, or would like to challenge any position that he has or any action he is taking, please feel free to call him any hour, day or night. Mr. Shuler noted that the Town Council can take him to task. He explained that the Town Council has responsibilities as elected members of this Council, but the Council members are also people. Mr. Shuler advised that he wants to live up to his constitutional expectations and their personal expectations. He reiterated that

anytime the Council wants to know the actual facts or the actual truth or his perceptions or positions, he would ask the Town Council members to call him. Mr. Shuler indicated that he wants to be held in a position of honor by each Council member, and he wants the Council to know that he will make an effort that everyone ends up at the victory line on the same winning team. Mayor Crewe remarked that the Council appreciates this, and, hopefully, this is the last time this matter has to come before any of the Committees or the Town Council because Mr. Shuler's request was granted. Mr. Shuler thanked the Council for their vote. Mayor Crewe thanked Mr. Shuler for attending the meeting.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting. (9:05 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, CMC, Clerk of Council

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PUBLIC WORKS COMMITTEE REPORT

AUGUST 9, 2004

1. We have received a petition from property owners bounded by 22nd, 24th, Pine and Spiller Streets who are desirous of closing and abandonment of a 15-foot alley that lies parallel to Spiller and Pine Streets terminating on 22nd and 24th Streets. The petition is signed by all abutting property owners. State code provides that the process for considering such abandonment and closing requires the appointment of viewers and the conducting of a public hearing. It has been the practice of the Council in the past to appoint the Public Works Committee as viewers. Also, it will be necessary to conduct a public hearing, which could be held at the September 13 meeting of Council. As such, it would be the recommendation of the Public Works Committee that the Council appoint the Public Works Committee as viewers for this matter and that a public hearing on this matter be set for September 13.
2. We continue to notice and have problems with persons who are placing brush and yard clippings along the street for the monthly pick up. We want to remind everyone that each residence is limited to no more than one truckload of brush per month. Quantities in excess of this amount create problems for the Public Works Department and delay pick up of other complying piles. Additionally, all brush that is brought to the street for pick up should not in any way be placed on any travel portion of the street. Brush is not to be piled on any pavement or across curb and gutter such that it impedes vehicular traffic. We have observed that some persons are piling their brush completely on the travel portion of a street, and this results in

sight problems and other traffic problems. It may be necessary for the Town to take legal action against those persons who continue to pile brush in the travel portion of the street.

We think brush pick up is a very valuable program, and citizens enjoy the convenience of having brush picked up. However, persons who continue to violate regulations will necessarily be cited.

William B. Weisiger

H. Judson Lambert

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BUDGET AND FINANCE COMMITTEE REPORT

AUGUST 9, 2004

1. As the Council knows, the Virginia Department of Housing and Community Development has offered a grant to the Town in the sum of \$700,000 to be used for the development of the child care facility at the new community center. The child care facility will be managed and operated by Wytheville Community College and will serve as a training laboratory for students enrolled in child care education. There were several conditions imposed by the Department of Housing and Community Development as conditions of the grant. One of the conditions stipulates that at least 51 percent of the children utilizing the child care facility must be from low to moderate income families. The State views this grant as an economic stimulus activity since it will provide day care for parents who otherwise could not enter the job market because of the lack of day care. The other stipulation imposed by the State was that an Advisory Board be created that would set administrative and other policy standards for the facility. The State has requested that this Board consist of a broad range of citizens throughout the community representing industry, business, social service organizations, and persons experienced with child care. As such, the Council needs to create a Wytheville Community Center Child Care Advisory Committee and make appointments to it. We have attached, for your review, a list of persons who have been suggested to serve on this new Advisory Board. Therefore, it is the recommendation of the Budget and Finance Committee that we create this new Advisory Board and appoint the persons listed on the attached sheet.

2. We have observed, recently, that there are many yard and/or garage sales being conducted around town. We have received several inquiries regarding the regulations for these types of sales that are conducted within the corporate limits. We thought it might be helpful to review these regulations. The Town's Code provides that garage and/or yard sales are limited to two sales during any calendar year. The sales cannot last for a period longer than two consecutive days, and any goods offered for sale must be second hand or used items owned by the person or persons conducting the sale. Additionally, it is prohibited to attach any sign to any telephone or electric pole or in the public right of way whatsoever to advertise yard and/or garage sales.

These regulations have been developed through the years because an extensive number of yard sales often is disruptive to a neighborhood. Additionally, signs that are attached to electric poles and within the right of way are usually not removed and become unsightly. We would encourage everyone to comply with these regulations when conducting yard sales.

Jacqueline K. King

John W. Jones, Jr.