

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, AUGUST 23, 2004, AT 7:00 P.M.**

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

Members absent: None

Others present: Town Manager C. Wayne Sutherland, Jr., Town Clerk Sharon P. Hackler, Assistant Town Manager Stephen A. Moore, Town Attorney Robert P. Kaase, Patrol Officer Chris Irvin, Stephanie Porter-Nichols with Wytheville Enterprise, Kathy Desposito, George T. Fisher, Jeannie Duncan, Luella Duncan, Robert Melton, Larry Edwards, Carolyn Conner, Greg Corvin, Missy Corvin, Gale Lynn, Benny Lynn, Jack Singleton, Karen Anders, Barry Anders, Ted Johnson, Janet Johnson, Dexter Davis, Jerry Horn, Vicky Hill, Agnes Eades

RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE

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

Mayor Crewe pointed out that several citizens are attending the meeting regarding the rezoning request on the agenda. He noted the Council agenda is fairly brief, and if any Council member desires to change the order of the agenda, please feel free to suggest to change it.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of August 9, 2004; the request of the March of Dimes for waiver of fee for use of Withers Park and the McWane Shelter for Walk America on October 23, 2004; the request of the New River Highlands Resource Conservation and Development for waiver of fee for use of the Community Center for a meeting on September 30, 2004; and the request of the County of Wythe for use of the Community Center for a Student Government Day luncheon for September 14, 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 August 9, 2004; the request of the March of Dimes for waiver of fee for use of Withers Park and the McWane Shelter for Walk America on October 23, 2004; the request of the New River Highlands Resource Conservation and Development for waiver of fee for use of the Community Center for a meeting on September 30, 2004; and the request of the County of Wythe for use of the Community Center for a Student Government Day luncheon for September 14, 2004. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period. He noted that Mr. Jerry Horn, CEO of Wythe County Community Hospital, is attending the meeting regarding the proposed affiliation of the hospital. Mr. Jerry Horn stated before he makes a few comments, he would like to note that he is attending the meeting to tell the Council about the direction the Hospital is going. He explained that most of the Council members attended the meeting they held in January at the Rotary Club when the Hospital announced it was buying back its position from Carilion. Mr. Horn indicated at that time, the Hospital representatives advised they would be looking at what would be the best direction for the hospital to take as it moves forward. He stated he is attending the Council meeting to talk to the Council members about the direction the Hospital representatives have decided to take and how they arrived there. Mr. Horn remarked that first, he has a check to present to the Council for one of the installments on the Hospital's commitment on the Community Center. He noted it is his understanding and it is the understanding he has received from the Hospital Foundation Board that they made the commitment to provide \$2.5 million for this project, and indicated he did not see any reason or any doubt that the Hospital would not follow through with this entire commitment. Mayor Crewe thanked Mr. Horn for the check. Mr. Horn advised that 2004 has been an exciting year for the Hospital. He noted that as he has stated, they started the calendar year with the announcement that the Hospital was buying back its position from Carilion. Mr. Horn stated that the Hospital enjoyed a long relationship with Carilion, which reaches back to 1978, and for many years, Carilion managed the hospital, and in 1999, they bought a 40 percent equity position in the

hospital. Mr. Horn explained that this business model was not working for the Hospital in the current times. He noted that the reasons the Hospital started the commitment have changed, and the Hospital and Carilion mutually agreed to sever the relationship, and the Hospital bought back the position that Carilion held. Mr. Horn advised that since January 30, 2004, the Hospital representatives have looked at the options for the hospital. He noted they recognize that the hospital is one of the most valuable assets for the community. Mr. Horn remarked that they recognize they are one of the largest employers in the community, and they take this responsibility seriously. He explained that the hospital is governed by a 13 member board, and indicated he is glad to state that Mr. Steve Moore is one of the current board members, and he is present at this meeting. Mr. Horn noted he also knows that Councilman John Jones has served on the Hospital Board in the past. He stated that at least these two people know the commitment that volunteer members of the community have given to the Hospital over the 32 years it has been in existence. Mr. Horn pointed out that today, they are at a crossroads. He noted it is a rural hospital, and they have an excellent hospital in this community and it provides excellent services and care. Mr. Horn stated that the hospital is in a position where the environment around it is changing extremely fast. He noted the reimbursement the hospital receives from third party payers, and noted this is almost every patient who comes through the door, has someone else paying the bill, and it is either a private insurance company or the Federal or State governments. Mr. Horn advised that the reimbursements the hospital is receiving are growing at a rate less than the cost of operating the hospital is growing. He noted this has been true for the past several years. He noted the hospital has operated profitably over its existence, but in the last six years, the income from the operations of the hospital has been less than 5/10 of one percent. Mr. Horn explained that this income from operations has not allowed the Hospital to accumulate enough money to continually invest in the hospital. He noted that they did a facility master plan approximately 1.5 years ago, and the hospital, while the outside of it looks nice, was built at a time when they provided mostly inpatient care. Mr. Horn explained that they would admit patients to the hospital, and they would stay five to ten days. He stated that today, they see over 100 outpatient visits per day, and most of the surgery work, or two-thirds of the surgeries they perform, are same day surgeries. Mr. Horn noted that the number of admissions to the hospital is between two and five per day. He stated for the inpatient census, 30 years ago, they probably were looking for beds to place patients in, but today, they are licensed for 104 beds, and their average daily census is about 35 patients. Mr. Horn indicated that with the strong growth and outpatient volumes, the hospital building does not lend itself to address those needs in an efficient manner. He remarked that the Hospital representatives are looking at having to renovate the building, and with the Hospital building, what would be considered a minor renovation is extremely expensive because of the nature of the facility. Mr. Horn noted they have spent the last six months looking at whether or not the hospital could survive being operated independently, how they could raise the money to meet the needs they have, and how they could ensure themselves that their operations would remain financially viable. He stated they have used financial consultants and health care consultants, and the bottom line is they have come to the opinion that they need to partner with someone who is willing to invest significant dollars in the hospital as they move forward. Mr. Horn explained that they reviewed 12 organizations in this process, and the bottom line is it came down to the fact that for the hospital to be able to raise enough money and get a commitment from someone to invest in the hospital and grow the services at the hospital, the best course for them to take would be to find a partner that would lease the hospital and make certain guarantees about the amount they would prepay on a lease that would go into a community foundation. He explained that there were other commitments they asked their partner to guarantee, and these were things such as guaranteeing that they retained the hospital employees, guaranteeing that they retained at least the same current services of the hospital, and a firm commitment as to how much capital they would invest in the hospital in terms of growing services. Mr. Horn summarized that this is where the hospital is in this process, and they are trying to select the company they are comfortable dealing with. He noted there are several for-profit companies that the hospital could deal with, but they are trying to find one that matches the hospital's culture as closely as possible that concentrates their efforts on operating rural hospitals in rural communities and that will build Wythe County Community Hospital and build the services of the hospital and expand so that the hospital can continue to be the good corporate citizen that it has been in the past. Mr. Horn advised that this is as much as he wanted to state in terms of prepared remarks, but indicated he would be happy to answer any questions from the Council. Mayor Crewe noted he would like to ask Mr. Horn two questions that have been asked of him, and noted that one of them is a two-part question or noted that possibly he is combining two questions into one. He stated that Mr. Horn has been asked both of these questions. Mayor Crewe inquired as to what is different than in January when the hospital was going independently versus now, in August, when they are going to find another partner. Mr. Horn answered that very little is different. He explained that in January, what was decided was that the relationship and the business model the hospital had with Carilion was that they were partnering with a large tertiary care hospital in Carilion. Mr. Horn noted that Carilion's commitment to grow the hospital was not a strong commitment. He advised that

Carilion's reason for being a partner with WCCH was to ensure the tertiary care referrals. Mr. Horn stated that Carilion has just recently completed a \$90 million expansion in Roanoke, and they have on the table a \$109 million expansion to do at Roanoke Memorial Hospital. He advised that approximately 10 years ago, they built a hospital 40 miles from Wytheville, which is one of the most profitable hospitals in their system. Mr. Horn remarked that this particular hospital has grown tremendously over the past two years, while WCCH has not grown at all. He pointed out that Carilion had never agreed to make capital commitments to WCCH, and they were, in fact, a partner in WCCH, and the reason, as he has stated previously, was more based on ensuring that the referrals from this hospital continued to go to Roanoke. Mayor Crewe inquired if Carilion is one of the entities being considered for the new partnership. Mr. Horn answered that Carilion is one of the 12 organizations that WCCH asked to respond to a request for proposals. He noted that in their dissolution agreement with Carilion, Carilion has a right of first refusal if WCCH opts to partner with someone else. Mr. Horn stated that as WCCH moves forward, Carilion will have the right to match exactly the terms of any agreement that WCCH initiates with another company. He explained that what they have found over the course of looking at the options is it is very difficult for the not-for-profit providers to value a stand alone facility as much as a for-profit provider whose only goal would be to grow the hospital. Mr. Horn indicated it will be difficult, and he does not anticipate that Carilion will match the kind of lease proposal that WCCH will receive from a for-profit entity. Mayor Crewe noted the second question he has been asked repeatedly is how the hospital will maintain local control when a new lease arrangement is in place. Mr. Horn answered that the company they work for has assured WCCH that they would retain a local board, and the local board would have significant input in the direction of the hospital and new services that are provided in doing the things that the local board does now such as monitoring and credentialing positions. He noted the bottom line is he believes the purse strings offer the ultimate control, and he believes the person who is making the investment would have the final decision on what happens. Mr. Horn stated this is why the Hospital representatives need to ensure in the initial agreement that they put into it everything that they expect the company to commit to for the hospital. He noted that significant dollars are being discussed, and these companies are not going to invest significant dollars without seeing an opportunity to grow the services and make them more efficient than they are currently. Mayor Crewe thanked Mr. Horn for his comments and inquired if any other members of Council have any questions. Councilman Lambert inquired as to how long the Hospital expects this lease agreement to be. Mr. Horn stated he believes the initial term would be for 30 years. He noted this has been discussed a great deal, and at the end of 30 years, if this facility opted to remain with the same company, there would be another prepaid lease amount calculated and paid at the end of the 30 year period. Councilman Lambert inquired if after the prepaid lease money is received, if there will be any other funds flowing to the community or to the foundation. Mr. Horn stated that more funds will be received and noted that the prepaid lease amount would go into a community foundation, and noted that the Council needs to understand that the community foundation funds would be used to support the community, and they could not be used to directly support the hospital. He remarked that many people have stated this company would ask WCCH for this money back to provide indigent care. Mr. Horn pointed out that one of the things WCCH hospital has asked this company to do is to adopt the same indigent care policy that the hospital currently has, and the hospital expects this to be in writing, and they expect this to happen. He stated that today, a not-for-profit foundation cannot make direct payments to a for-profit operator. Mr. Horn explained that the funds WCCH will receive for the prepaid lease would go into a separate foundation, and they would create a community board, and this community board would direct those funds. He noted that for what else the community would see, and noted the County was very happy with this, is if WCCH deals with a for-profit company, it would make the hospital facility taxable. Mr. Horn stated they believe that the annual taxes would be in the high six or possibly seven digit figures. He explained there would be property taxes paid. Councilman Jones indicated that having served on the Hospital Board, he recognizes that Mr. Horn serves at the direction of the Board. He stated he personally appreciates the work Mr. Horn has done since he has been in Wytheville. Councilman Jones remarked he knows a lot of people do not understand all that goes on, and advised he knows that Mr. Horn has a good rapport with the employees and he thinks this is important. He noted that on his part, he appreciates what Mr. Horn has been doing with respect to the hospital. Mr. Horn thanked Councilman Jones for his comments. He indicated he would hope to be able to stay in Wytheville for many more years, and he is comfortable he will be given the opportunity to stay with any organization WCCH deals with. Mr. Horn remarked that he still serves at the pleasure of the local board. Mayor Crewe advised that the Council appreciates Mr. Horn for taking the time to attend the Council meeting to share his thoughts and the information with them because it is important, and he does not know about the other Council members, but he has received several questions about it, and it is a topic of interest to many individuals. Mr. Horn indicated that Mr. Steve Moore's term ends in December, and if the Council could convince him to stay on the Hospital Board, the Council would have a good inside source. Mr. Horn thanked the Council for permitting him to address them. Mayor Crewe thanked Mr. Horn for his comments and for attending the meeting.

Mayor Crewe noted that according to the sign up sheets, everyone else indicated they desired to address the Council regarding the zoning issue. Mayor Crewe thanked everyone for attending the meeting, especially those attending for informational purposes.

Mayor Crewe inquired if there are others who wish to address the Council during Citizens' Period on a topic that is not on the agenda. There being none, he proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. Both of the Council Committees will meet on their regular date and time next week. For the following week, which is the fifth week, the Committee meetings will be canceled.
2. The Crossroads Regional Industrial Facility Authority will meet next Wednesday, and next Thursday, the Joint Industrial Development Authority will be meeting. The JIDA meeting will be held in Rural Retreat at 3:00 p.m.
3. The Joint Governing Bodies meeting will be held on August 30 in Rural Retreat.
4. The Town will observe the Labor Day holiday on September 6, 2004.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, reported that at the last Council meeting, the Council appointed a number of persons to serve on the new Child Care Advisory Board for the child care facility to be located in the Wytheville Community Center. She advised that as the Council knows, the Town has been offered a Community Development Block Grant in the amount of \$700,000, which is to be used in the development of the child care facility. Vice-Mayor King explained that one of the stipulations by the Department of Housing and Community Development is that the Town have an advisory board that will provide the governance of this facility. She stated the Committee noted in their report at the last meeting that there would necessarily need to be additional members appointed to this board. Vice-Mayor King advised that the two names that have been suggested for Council to consider are Ms. Angela Battaglia and Ms. Robin Crockett. She noted it would be the recommendation of the Budget and Finance Committee that these two persons be appointed to the new Child Care Advisory Board. A motion was made by Vice-Mayor King and seconded by Councilman Jones to appoint Ms. Angela Battaglia and Ms. Robin Crockett to the Wytheville Community Center Day Care Advisory Board. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

Vice-Mayor King also reported that this year, during the budgetary process, the Council adopted departmental budgets and then requested department heads to develop individual line items within that department to create a balanced budget for that particular department. She remarked at that time, there were several ongoing water and sewer projects that began in the last fiscal year and will be completed during the current fiscal year. Vice-Mayor King noted that as such, there are a number of line items within the water and sewer side of the budget that need to be revised to reflect these ongoing projects. She remarked that the Committee has attached, for the Council's review, a listing of the various line items that need to be revised within the Water and Sewer Budget. Vice-Mayor King noted that the net result of these line item revisions is zero, and the total budgeted amount does not change at all. She stated the purpose of the Council action to revise these line items is to satisfy the Town's auditing requirements. Vice-Mayor King advised, therefore, it is the recommendation of the Budget and Finance Committee that the Council authorize the Town Treasurer to revise the line items within the Water and Sewer Budget to reflect the revisions shown on the attached sheet. A motion was made by Vice-Mayor King and seconded by Councilman Jones to authorize the Town Treasurer to revise the line items within the Water and Sewer Budget to reflect the revisions shown on the attached sheet. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None. A copy of the Budget and Finance Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Weisiger, reporting for the Public Works Committee, reported that the Commonwealth Transportation Board has announced that it will hold a series of public hearings around the state to receive comments on the Six-Year Improvement Program. He stated the public hearing for the Bristol District will be held on September 21st, though the exact location and time have not as yet been announced by the Department of Transportation. Councilman Weisiger noted that the purpose of these public hearings is to receive comments on highway projects, railroad projects, and other public transportation projects that the Commonwealth Transportation Board will consider for placement in the 2005 program. He explained that the Town has always participated in these public hearings and has a number of previously identified projects. Councilman Weisiger stated the portion of roadway currently labeled as a Connector Road, which will be located between Peppers Ferry Road paralleling I-81 to a point near Exit 73, remains the Town's top priority. He indicated that again, this year, the Town will provide the Commonwealth Transportation Board with improvements the Town thinks are necessary.

Councilman Weisiger also reported that last week, a meeting was held between Wytheville and Wythe County to discuss water and sewer improvements that will be needed to serve the south side of Progress Park. He advised that Wythe County is presently in the process of extending its water lines along the service road to the Town's eastern corporate limit. Councilman Weisiger stated that currently, the Town has a water line that terminates at a point near the Edgemont Center on Chapman Road that will necessarily need to be extended eastwardly to a connection point with the County's line at the corporate limit line. He remarked at that point, an additional line will be connected that will serve the south side of Progress Park. Councilman Weisiger noted that the sewer service to the south side of Progress Park will be provided by Wythe County, who will need to install certain lines and pump stations to accommodate sewer service for this area. He stated that both the Town and the County are working cooperatively on these projects and have begun the negotiation process for engineering services. He advised that the Town has received a \$40,000 grant from the Mount Rogers Planning District Commission to assist with design expenses. Councilman Weisiger remarked that recently, the Town was also advised that the Tobacco Commission had awarded \$350,000 toward these joint projects. He noted that additionally, the Town will be seeking Community Development Block Grants to assist with the project expenses. He advised that the Committee might note, also, that these new lines will not only serve the south side of Progress Park, but are also an integral component of the New River Regional Water Authority. Councilman Weisiger stated these two new sections of line will result in the Town's and County's water systems being connected, providing the flexibility of either jurisdiction transporting water to the other. He noted that no action is required by the Council at this time, but the Committee did want to give the Council an update on these projects. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

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 second reading. He advised this is the agenda topic that is of interest to most citizens attending the meeting. Councilman Lambert stated he would like to offer an amendment to the ordinance. He stated his motion would be to amend 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 located between Old Stage Road and West Lee Highway from R-3 Residential to R-1 Residential so that the R-1 Residential rezoning would stop at the southern edge of the King & King property and from this point to Old Stage Road be rezoned to R-2 Residential. Mayor Crewe noted when Councilman Lambert is referring to stopping the rezoning, he is referring to going down Petunia Road in a southerly direction to the King & King line. Councilman Lambert stated that is correct. Mayor Crewe noted the Council members have a map and inquired if this is what Councilman Lambert is referring to. Councilman Lambert stated that is correct. Mayor Crewe inquired if Councilman Lambert is suggesting that the zoning be R-1 Residential north of the King and King property line and R-2 Residential south of the King and King property line. Councilman Lambert stated that is correct. Mayor Crewe remarked that in this motion, Councilman Lambert is delineating a horizontal line on this map. Councilman Lambert advised that this is something the Council may desire to discuss. He explained that as it is currently, there is a long, narrow 7-shaped lot behind the fronting lots, and the Council may desire to move back to that line that intersects, or joins, midway to the King and King property. Town Manager Sutherland requested Assistant Town Manager Moore to display the large zoning map so the Council can view it. Mayor Crewe remarked that what he is trying to understand, and noted if he understands Councilman Lambert's motion, the rezoning would start on Petunia Road and go horizontally to the left on

this map, but it would go all of the way out to the Town limits and inquired if he is interpreting Councilman Lambert's motion correctly. Councilman Lambert stated that is correct and possibly when the map is displayed, it will make it a little easier to understand. Mayor Crewe remarked that he is looking at how far the easternmost boundary would be. He noted what Councilman Lambert is stating is to go along the existing property line. Councilman Lambert stated that is correct and explained that where Mr. King's property ends, is a shallow lot. He noted that Mr. Fisher's property extends partially about halfway into Mr. King's property. Assistant Town Manager Moore depicted the properties on the map. Mayor Crewe indicated that if he understands what Councilman Lambert is stating, those two flag-shaped lots north of the King property would be R-1 Residential and the remaining would be zoned R-2 Residential. Councilman Lambert stated that is correct. Assistant Town Manager Moore pointed on the map to the properties for the proposed rezoning. Councilman Lambert indicated that this rezoning would follow existing boundary lines. Mayor Crewe remarked that the rezoning would go across and up rather than down and inquired if that is correct. Vice-Mayor King inquired if Mr. Fisher understands the proposed rezoning. Mayor Crewe indicated that he is unsure if Mr. Fisher understands this. Mayor Crewe inquired if the green line that Assistant Town Manager Moore just marked on the map is correct according to the motion Councilman Lambert made regarding the proposed rezoning. Councilman Lambert stated that is correct. Mayor Crewe requested Assistant Town Manager Moore to show the map to the audience. He reiterated that the motion is to change the zoning of the properties north of the green line on the map to R-1 Residential and everything south of the green line on the map would be rezoned to R-2 Residential. Mayor Crewe inquired if there are any additional parts to Councilman Lambert's motion. Councilman Weisiger inquired if there would be conditions on the R-2 Residential District. Mayor Crewe inquired as to what the conditions would be. Town Manager Sutherland pointed out that the Council had stated that the conditions would be that no more than two units would be constructed on the lots. Mayor Crewe inquired if there would be any other conditions. Town Manager Sutherland remarked that he is not aware of any other conditions the Council discussed. Mayor Crewe remarked that Councilman Lambert's motion, and noted he wanted to ensure it is correct and that he understands it, is that all of the properties north of this line that has been delineated on the map that was not on the map prior to this meeting would be zoned R-1 Residential, and all of the properties south of this line would be R-2 Residential with Conditions and the condition would be that no more than two units would be constructed on each lot. Mayor Crewe inquired if that is correct. Councilman Weisiger inquired if it would be referred to as a one-duplex unit and inquired if that is the correct terminology. He inquired as to what the units will be called that Mr. Fisher is proposing to construct. Councilman Lambert noted he believes they are referred to as patio housing and that is the term that is used. Town Manager Sutherland indicated that this is just vocabulary, but it would be no more than two multi-family dwellings. Councilman Weisiger noted this is what they are trying to state. Vice-Mayor King inquired if there would be garages between the units. Councilman Jones remarked that the question is whether or not the R-2 Residential zoning has to be referred back to the Planning Commission. Mayor Crewe advised he would like to get the motion worded correctly before they proceed, and this is why he is requesting Town Attorney Kaase to help him with the procedure. He explained that he would like to get the motion stated first in order to ensure that everyone understands it, and then the Council will work out the procedures of what has to be done to consider the motion. Mayor Crewe noted if he understands Councilman Lambert's motion, which has not yet been seconded, it is to amend Ordinance No. 1177 to provide that the properties that are under consideration that are located north of the line delineated on the map would be zoned R-1 Residential, and the properties which are located south of the line delineated on the map would be zoned R-2 Residential with Conditions and the condition would be that no more than two multi-family dwellings per lot be constructed. He inquired of Councilman Lambert if he understands his motion correctly. Councilman Lambert advised that is correct. Mayor Crewe inquired if there is a second to the motion. The motion was seconded by Councilman Weisiger. Mayor Crewe advised that now, the motion is on the floor for discussion. He stated that Mr. Lynn has a question, and advised he will come back to him in a moment. Mayor Crewe remarked that in the discussion, Town Attorney Kaase has been reviewing the statute, and he requested Town Attorney Kaase to correct him if he is wrong, but, basically, it is a gray area. He advised that there is no question on the R-1 Residential District because the Town advertised the proposed R-1 Residential rezoning and held the public hearings, etc., and that procedure is correct. Mayor Crewe noted that the R-2 Residential rezoning has not been advertised as under consideration prior to this meeting, but because the R-2 Residential District rezoning, in Councilman Lambert's motion, is less restrictive than the R-1 Residential rezoning that the Town advertised and held the public hearing on, it appears that the Code of Virginia will allow the Council to act on this amendment at this meeting. He pointed out that this does not mean the Council has to act on it, and they can refer it for a public hearing, or the Council can set their own public hearing, or proceed as they desire. Mayor Crewe indicated that this is how it appears if he understands correctly what Town Attorney Kaase is telling him. Town Attorney Kaase noted that Section 52-2285 is the section that provides for the amendment to the ordinance. He stated that under section (b) it states, "No land may be zoned to a more

intensive use classification than was contained in the public notice without an additional public hearing after notice required by 15.2-2204. He explained that when he views section 15.2-2204, it states, "The governing body shall not adopt any amendment until notice of intention to do so has been published once a week for two successive weeks." Town Attorney Kaase indicated that he pointed out to Mayor Crewe a case, which is a 1983 case, that tells them a second hearing is not required where property rezoned to a less intensive use, but Mayor Crewe pointed out to him that in the parenthetical portion of it that it was decided under a prior law. He stated he did not have prior notice, and in a conservative way, he would recommend to the Council that they publish this and give notice under the R-2 Residential District. Town Attorney Kaase advised that this may not be correct and remarked that if he has time to do additional research, he could find out, but he does not have the time at this meeting. Mayor Crewe indicated that the result of this would be that where the Council is going with this and reading what Town Attorney Kaase was showing him, it seems that discretion is the better part of valor. He noted that although the argument would be that R-2 Residential is less restrictive than the R-1 Residential District that the Town advertised, the Council probably needs to hold a public hearing on the rezoning of the R-2 Residential portion of the rezoning. Town Attorney Kaase remarked that the action of the Town Council regarding the R-1 Residential rezoning is acceptable. Mayor Crewe noted that there is the issue of if the Council should approve the R-1 Residential rezoning and leave the R-2 Residential portion holding, etc. He stated it is more of a practical matter than anything else. Mayor Crewe indicated that it sounds to him that counsel's recommendation is that in order for the Town Council to act on Councilman Lambert's motion, they need to hold a public hearing before they do so because of the R-2 Residential District amendment to the ordinance. He remarked that the Council can amend the ordinance at this meeting, if that is what Councilman Lambert desires, but before the ordinance is passed, the Town Council needs to hold a public hearing on the R-2 Residential District portion. He inquired of Town Attorney Kaase if this is what he is stating. Town Attorney Kaase answered that conservatively, that is correct, and the Town Council cannot be wrong if they schedule the public hearing. He noted if he recommended this improperly, the Town Council would pay no penalty other than the delay to the public. He explained that if the Town Council acts on this otherwise, and it is wrong, there is an appeal process in the Circuit Court, and with the interest that has been generated, he would suggest this could be a likelihood. Mayor Crewe indicated that he will try to summarize where he thinks the Council is in this process. He stated there is a motion on the floor to amend the ordinance that the Town Council can act on as it sees fit at this meeting, and noted this is the first step. Mayor Crewe remarked that if this amendment passes, and the ordinance is then so amended, he takes the Town Attorney's recommendation to be that the Town Council set the matter for a public hearing after the Town can advertise for two weeks, which means it cannot be done at the next meeting, but it would be the meeting after that before the Council can advertise it. Town Clerk Hackler noted that the Town Council could schedule the public hearing for the September 13 meeting. Mayor Crewe remarked that the Town Council could schedule the public hearing for the next regularly scheduled meeting in September and not at the Joint Governing Bodies meeting on August 30 with Wythe County. He inquired if members of Council understand this and if they have any questions about the procedure or the position the Council is in presently. Mayor Crewe inquired if there are any comments or questions about the motion on the floor. Councilman Jones inquired as to why the Town Council cannot proceed with respect to the R-1 Residential zoning and pass that matter and leave the R-2 Residential zoning out and then if Town Council wants to consider this themselves, it is acceptable, or send it back to the Planning Commission with the request that this be considered as R-2 Residential zoning rather than changing it to R-1 Residential. He advised that then, the Council does not have to amend the ordinance, but all they would have to do is change the area being rezoned to R-1 Residential. Councilman Jones pointed out that everyone is in agreement down to that point, and the question is after that point, and rather than holding off, the Council could proceed to approve the R-1 Residential rezoning portion and then take care of the R-2 Residential District rezoning at either the next Council meeting or send it back to the Planning Commission. Mayor Crewe pointed out that this is an alternative. Councilman Weisiger indicated that this seems acceptable to him. Councilman Lambert inquired if the procedure would be that the Town Council would schedule a public hearing for the first meeting in September to consider the southern portion of these properties. Mayor Crewe stated that the Town Council can refer this to the Planning Commission and start the process over, but the Council is not required to do this because Councilman Lambert's motion for R-2 Residential is less restrictive than the R-1 Residential zoning that the Town Council has already advertised. Mayor Crewe indicated that this is in compliance with the law as he understands it, but if this is the way the Council desires to proceed, he thinks what the Council would do is defeat or withdraw Councilman Lambert's motion and make another amendment to put this property line in the ordinance, and pass the ordinance for the northern section as R-1 Residential and leave the southern section rezoning until another date and schedule a public hearing. Councilman Lambert and Councilman Weisiger withdrew their motion and second. Mayor Crewe inquired if there is any objection to withdrawing the motion or the second. There being no objections voiced, Mayor Crewe advised that the motion to amend the ordinance is

withdrawn. He explained that currently, the Council is back to where it was at the beginning of this meeting and at the ending of the last meeting, and this is with Ordinance No. 1177 as proposed. Mayor Crewe inquired if he hears any motion regarding that ordinance. A motion was made by Councilman Lambert to amend 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 located between Old Stage Road and West Lee Highway, from R-3 Residential to R-1 Residential, so that the R-1 Residential rezoning extends only to the property line south of King and King's property as delineated on the map. The motion was seconded by Councilman Weisiger. Mayor Crewe advised that the motion now is to zone R-1 Residential all of the properties north of the green line that was marked on the map and leave the properties south of this green line zoned R-3 Residential as they are currently zoned and inquired if this is the intent of the motion and if he is understanding it correctly. Councilmen Lambert and Weisiger advised that is correct. Mayor Crewe inquired if there are any discussions or comments on the motion. There being no questions or comments, he advised that all of the Council members understand the motion, but the Council may have confused some of the citizens attending the meeting.

Mayor Crewe indicated that Mr. Benny Lynn is the first person who indicated he desired to make a comment. Mr. Lynn remarked that he is not going to be as brief as he was at the last meeting. He stated he lives in the area, and he hopes that most of the Council members know where he lives. Mr. Lynn advised that they came in prepared for a hearing for a rezoning to R-1 Residential, and he walks in and Councilman Lambert is proposing R-2 Residential zoning. He advised that if this is to be upgraded to the R-2 Residential zoning, himself and probably several more of the neighbors would like to maybe have the option to reconsider leaving their property zoned R-3 Residential. He explained that it is less restrictive than R-1 Residential or R-2 Residential. Mr. Lynn pointed out that the reason they signed and had an interest in this was to protect the neighborhood from multi-family dwellings. He noted they have a tremendous amount of units being constructed by Mountain Shelter, he believes, in this area, and he is afraid it is becoming saturated with this. Mr. Lynn requested the Council that before they jump in and vote on anything, he thinks the Council should readvertise and give everyone in the neighborhood an opportunity to speak rather than the Council voting on this at this meeting. Mayor Crewe advised Mr. Lynn that the posture that the Council is in is that the amendment divides the northern and southern properties for the rezoning. Mr. Lynn noted that he understands this. Mayor Crewe advised that this is the first step, and if the amendment passes, the second step would be to pass Ordinance No. 1177 as amended on second reading, and advised that no one has made a motion to adopt Ordinance No. 1177 on second and final reading. He explained that the ordinance would normally go through a third reading so that the R-1 Residential zoning would not be final until the public hearing on the remainder of the R-2 Residential rezoning being considered at the next meeting. He advised that he thinks this is what will happen, but advised it does not have to happen this way. Mr. Lynn noted that what he is stating is if the Council is taking this neighborhood and pinpointing and spot zoning certain areas to suit certain things, he does not think that is correct. Mr. Fisher advised that this is not spot zoning. Mr. Lynn stated he realizes it is not spot zoning, but it gives the impression of being spot zoning. Mayor Crewe thanked Mr. Lynn for his comments.

Mr. George Fisher was recognized and stated as Mr. Lynn has stated, he thinks that the Town Council should go through the process. He remarked that he is not trying to point fingers at anyone, but the property that has his name on it is owned by himself and four other people, so it is not only his property. Mr. Fisher indicated that they could have come into the Town office three or four months ago and obtained permits and had them issued and done what they wanted to do. He stated they tried not to do that and force anything on anyone, and advised they were not trying to push over on anyone in that neighborhood, including Mr. Benny Lynn, who is a good acquaintance of his. Mr. Fisher indicated that this is not spot zoning, and noted he can go back to classes at Radford University, etc., and pull information out, but this is not spot zoning. He advised there are six or seven individuals, and indicated that he is not pointing anyone out, who want to control everything up and down Petunia Road, which are not their properties. Mr. Fisher noted if these individuals would like to purchase this property, there is no problem, and he would be glad to sell it to them. He advised they cannot go and state there is a house here, and they want everyone up and down Petunia Road to be zoned R-1 Residential. Mr. Fisher noted it is not fair to the people who had this in planning, it is not fair to him and his partners, and it is not fair to the other residents. He stated he talked to several of the residents on Petunia Road who do not want this rezoning because it is too restrictive, but they do not want to attend the meeting to speak. Mr. Fisher remarked that he talked to Mr. Eric Collins, and advised that he has permission to use his name, and he owns two lots, and Mr. Collins does not want these properties rezoned. He noted he can go on and on, and it is not that he has anything against anyone attending the meeting, but a person cannot state they own one property and they want Petunia Road to be rezoned entirely to R-1 Residential. Mr. Fisher indicated that he can go further and state that a doctor's wife who lives in the area wants everything to be

rezoned to R-1 Residential, and advised that it is not up to her, and she does not own all of the properties. Mr. Fisher explained what they were trying to do with the LLC they have is do some good long range planning and provide some housing for people who do not want any steps who would still like to have a very nice house. He noted as he has stated previously, everyone is getting older, and a lot of people who have 3,000, 4,000, or possibly 2,500 square foot homes want to move to possibly a 1,400 square foot home that does not have steps. Mr. Fisher indicated that they are not talking about doing anymore than this type of housing. He reiterated that this is not spot zoning. Mr. Fisher noted that the Town cannot take four or five people who own ¼ acre of land and state they are going to tell everyone what to do. He stated that all of the Council members are elected to ensure this does not happen because what everyone at the meeting is doing is trying to come up with the best idea of what they need to do, and he sees no one else in town wanting to construct anything like this type of housing. Mr. Fisher advised that they are not constructing junk in this neighborhood, and they are not spending \$1 million or \$2 million in this area to have mobile homes on their property. He stated he still objects to Mr. Lynn calling the housing subdivision proposed for this area with \$125,000 homes as low income housing because they spoke two or three times about it, and advised that he believes Mr. Andy Kegley would take offense to this. Mr. Fisher pointed out that a lot of people cannot afford a house like Mr. Lynn's that costs \$350,000 with a swimming pool. He noted this is nothing against Mr. Lynn and stated he likes Mr. Lynn. Mr. Fisher remarked that he has to speak his own thoughts on this matter. He reiterated that this is not spot zoning, and remarked that he thinks it is very fair. Mr. Fisher indicated that neither he nor the other four members of the LLC would object to R-2 Residential zoning. Mr. Fisher thanked the Council for listening to his comments. Mayor Crewe thanked Mr. Fisher for attending the meeting.

Ms. Jeannie Duncan was recognized and stated she did not desire to address the Council.

Mr. Robert Melton was recognized and stated he did not desire to address the Council.

Mr. Larry Edwards was recognized and stated he is the member manager of the LLC. He explained that this area is a mixed use neighborhood. Mr. Edwards advised that he noticed there were approximately 20+ mobile home units across from the Burriss property. He remarked that there are also single-family residences in this area. Mr. Edwards stated that they intend to develop this property basically as a mid-use, and they have hired professional engineers with 30-35 years of experience in doing at least 30+ projects. He remarked that they want to develop a complex that will serve the needs of Wytheville and Wythe County. Mr. Edwards indicated that they see the growth, and they want to contribute to this growth. He advised they want to do something they are proud of and want to have their names attached to something the Town Council would be proud of. He remarked that they also want to do this within the confines of the adjoining households, but it needs to be a long-range plan. Mr. Edwards explained that they are probably two to four months away from having a final plan. He pointed out that one of their concerns in going from R-3 Residential to R-1 Residential is being able to look at retirement communities. Mr. Edwards indicated that they have done a number of retirement areas, such as in Blacksburg and North Carolina, basically called cluster homes, and remarked that he does not think the Town has an actual ordinance that they have been working under, and what they are looking for is a smaller lot so the elderly do not have to maintain a large landscaping area. He remarked that they intend to develop the entire project with an overall planned community, and pointed out that this does take some time. Mr. Edwards stated that the properties which are listed under Mr. Fisher's name are currently owned by CCH, LLC, and this was effective in June. He noted they will be proceeding with this. Mr. Edwards indicated that as the Council is very much aware, they need to go to their engineer, review the water and sewer, review soil and erosion, and review the overall VDOT standards, etc., and this will take them quite some time in order to do this. He remarked that he thinks this project will mesh very well with the existing homes, and it will serve the needs over the next five to ten years of a portion of the housing needs of Wytheville and Wythe County. Mr. Edwards indicated they do not want to do anything to offend anyone, the Town Council, their neighbors, etc., because these are the people they are going to be working with. He stated that neither can they accept a knee-jerk reaction in the fact that there may be low-income housing. Mr. Edwards advised that he wanted to emphatically state to the Town Council that they have no intention of using multi-family, which is three or more housing units, on any of this property in the Town. He noted if they were going to do this, the best way they could have done this is bought permits two or three months ago and started construction, which they have no intention of doing. Mr. Edwards reiterated that they want to do something they are proud of. He explained he has done this work for about 30 years, and for the developments he has completed, currently owns, and currently is involved with, he is very proud of them, and he would be glad for anyone to take a look at those. Mr. Edwards advised that these developments will compare very favorably with the area listed. He indicated that he did not see that an R-2 Residential zoning would be incompatible with the existing zoning because there is agricultural use, mobile homes, and single-family use. Mr. Edwards pointed out that it is not a congruent area within that. He stated he is not sure the current ordinance is exactly

what they need, and they need the flexibility to be able to build a two-unit retirement cluster home or patio home or whatever the terminology may be. Mr. Edwards indicated that different areas use different terminology, but advised he thinks there is a demand for this type of housing in any town in the State of Virginia because a lot of elderly people are wanting to sell their large farmhouse or large home and move to a smaller home or they want the home all on one level, and this type of housing is built handicap accessible so they can get around, etc. Mr. Edwards stated their intention is to proceed with this. He apologized to the Council that they have not gotten far enough along on the plans to be able to show them anything concrete, but noted the Council is very much aware of the Zoning Ordinance and the other developments that are done, and the Council knows what they will have to comply with. Mr. Edwards indicated that he will be glad to answer any questions the Council may have. He stated the investors, Mr. Melton, Ms. Carolyn Conner, and Mr. Fisher, are Wythe County residents. Mr. Edwards indicated that for the other two investors, one is a resident of West Virginia, and he is a resident of Carroll County, Virginia. He remarked they will be putting some outside capital into the Wytheville area because they believe in this project, and they know this is a growing area and there is a need for additional housing. Mayor Crewe thanked Mr. Edwards for attending the meeting.

Mr. Greg Corvin was recognized and stated he lives at 110 Dodgion Street with his wife, Missy, and their son, Tyler, who is six. He stated he is attending the meeting to speak in favor of rezoning all of the property on Petunia Road from R-3 Residential to R-1 Residential. Mr. Corvin remarked that quite simply, he believes it is the correct thing to do because things on Petunia Road have changed drastically since it became part of the town 26 years ago and was zoned R-3 Residential at that time. He stated he thinks it is the correct thing to do because R-1 Residential zoning is consistent with the type of growth that has occurred along Petunia Road for the past several years. Mr. Corvin indicated that it is the correct thing to do because the east side of Petunia Road is already zoned R-1 Residential. He remarked that it is the correct thing to do because R-1 Residential zoning will ensure that the future growth is consistent with the growth that has already occurred. Mr. Corvin stated it is the correct thing to do because of the low-income subdivision. He explained that low-income was defined by Mr. Kegley at one of the Town Council meetings he attended and this subdivision will eventually become adjacent to Petunia Road, and that will be zoned R-1 Residential as well. Mr. Corvin indicated that lastly, and most importantly, it is the correct thing to do because the people who live on Petunia Road and Dodgion Street are the same people who elect the Town Council to represent their views. He noted these are the people who actually live and continue to build their lives and the lives of their children in this community and they have stated on a petition that it is the correct thing to do. Mr. Corvin presented a petition to the Town Council that included 44 signatures. He noted he thinks the Town Council will find all of the residents are represented on the petition except for possibly two or three. He noted he did not know the proper way to submit the petition. Mayor Crewe indicated that the petition will become part of the Town Council minutes. Mr. Corvin stated this petition represents more than five or six people who are in favor of this rezoning. Mayor Crewe thanked Mr. Corvin for his comments and for attending the meeting. He advised that any member of Council is welcome to view the petition.

Mr. Jack Singleton was recognized and stated he also has a petition in the form of letters, mostly from residents of the R-3 Residential zones in Wytheville. He stated he believes that Town Clerk Hackler has the remaining letters. Town Manager Sutherland indicated that the letters have been distributed to the Council members. Mr. Singleton advised that he is requesting these letters be read into the record like the letter was from the people in favor of the rezoning at the last meeting. He remarked that he would like to look at a few of the letters while he speaks. Mayor Crewe indicated that the Council will be glad to receive the letters, and the Council has letters from Mr. William Jenkins, Mr. Earl Davis, and Ms. Sarah Sawyers that will also be made part of the record. Mr. Singleton inquired if Mayor Crewe is going to read the letters like he did the one at the last meeting when someone could not attend the meeting. Mayor Crewe remarked that he did not actually read the letter, but he summarized it. Mr. Singleton advised that it would be acceptable for Mayor Crewe to summarize the letters. Mayor Crewe noted that the letters can be interpreted to state that these individuals are against the R-1 Residential zoning. Mr. Singleton noted that is correct, but he thinks some of the reasons are different and compelling. He advised if Mayor Crewe would like to summarize the letters, he thinks that would be acceptable in the interest of brevity. Mr. Singleton indicated that he can speak without the letters. Mr. Singleton noted that Mayor Crewe can summarize the letters before he begins addressing the Council, and this would be acceptable to him. Mayor Crewe advised that there appears to be 14 letters from various individuals, and advised that they are available if anyone would like to review them. He noted he has not read them, obviously, because he just received them. Mayor Crewe remarked that the three or four letters he has scanned seem to indicate that the individuals are opposed and they object to the Petunia Road zoning change. Mr. Singleton noted that for the record, he would like for Mayor Crewe to read them to the point where the audience knows they are objecting to the rezoning. Mayor Crewe indicated that the Town Council will accept these letters as a part of the minutes of

the meeting, and they will be so received and added to the minutes. He noted that the Council has received these additional letters. Mayor Crewe advised that he would point out, as he did with the other ones, and noted for the addresses for these individuals, he did not see anyone in the immediate neighborhood. Mayor Crewe remarked that the letters contain addresses from South 9th Street, Jefferson Street, Lexington Street, Marshall Street, East Washington Street, West Main Street, and one without an address. Mr. Singleton remarked that he can possibly fix the letter without an address if it is considered illegal. He pointed out that there is also a letter without a signature. Mayor Crewe advised that the letters are from West Union Street, Monroe Street, South Church Street, and there appears to be, in reviewing the letters, two from the same person, apparently. Mr. Singleton noted that he can attest to some of the letters. Mayor Crewe noted it is the same last name, same first name, and a different middle initial, but with the same address. Mayor Crewe continued that there are letters with addresses from East Monroe Street, West Union Street, and West Jefferson Street, and noted that anyone who desired to review the letters is welcome to do so and these letters will be added to the information the Council has already. It was noted that in other words, none of the letters are from individuals in the Petunia Road area. Mayor Crewe remarked that he just read all of the streets and addresses that he had. He informed Mr. Singleton that if he would like for the letters to become part of the record, it will be necessary to leave them with the Town Council. Mayor Crewe indicated that the letters from Mr. Singleton and the petition from Mr. Corvin will both become part of the Council minutes. Mr. Singleton remarked that he is attending the meeting to speak that all of these properties remain R-3 Residential. He stated he would like to ask a few questions first, and noted that possibly Town Attorney Kaase could answer them or the Town Council could answer them. Mr. Singleton noted when a particular section of the law was being read, he heard Town Attorney Kaase state that less or more intensive use, and then when Mayor Crewe spoke, he believes he did not state the word "intensive" but used the word "restrictive." Mr. Singleton advised that he would like to know about this. Mayor Crewe remarked that this was probably a misstatement on his part, but advised he believes those two terms are synonymous in his thinking. Mr. Singleton inquired if R-1 Residential is more intensive than R-3 Residential. Mayor Crewe answered that the R-1 Residential zoning prohibits more activities and allows less activities than R-2 Residential. Mr. Singleton remarked that the law states "intensive" and not "restrictive" and this is actually what he was looking for. He noted that Mayor Crewe stated the word "restrictive," and the law book stated "intensive" when the Council was talking about the amendment. Mayor Crewe advised that he did not think there is any difference, but noted he would defer to Town Attorney Kaase if he would like to comment. Town Attorney Kaase remarked that he thinks they are also the same. Mr. Singleton inquired if "intensive" equals "restrictive." Mayor Crewe indicated that is correct for purposes of this discussion. Mayor Crewe indicated that the number of uses allowed is what the Code is really addressing. Mr. Singleton noted that "intensive" is intensive restrictions or less uses allowed. Mayor Crewe explained that in an R-2 Residential zone, more things are allowed, and less things are prohibited than in an R-1 Residential zoning. Mr. Singleton stated he knows this, and this is why he was inquiring. Mayor Crewe noted this is why R-2 Residential is less restrictive or less intensive than R-1 Residential would be. Mr. Singleton thanked Mayor Crewe for the explanation. He remarked that the Council is discussing going on with the process on the north/south at this meeting. Mayor Crewe pointed out that the amendment on the floor is to change what is north of the green line on the map to R-1 Residential zoning and what is below the green line as R-3 Residential. Mr. Singleton indicated that he was a little confused, and he wanted to make sure he understands. He noted there is no compromise in that, and he can let that section go. Mr. Singleton indicated he is attending the meeting to state he thinks the area was zoned R-3 Residential 20+ years ago, and it is characterized by an R-3 Residential mixed area consisting of mobile homes, agricultural, and small houses. He noted it is true that other houses have been constructed, and that is because it is not restricted. Mr. Singleton remarked that all of the growth that has been seen with the larger houses came into R-3 Residential zoning knowing it was zoned R-3 Residential. He explained they were apparently pleased enough with R-3 Residential zoning to build what they wanted in the area and have activities to where they were not restricted. Mr. Singleton advised that he has a section of the law, Section 15.2-2283, which states the purpose of the zoning ordinances, and indicated that he would like to speak a little to what was heard at the last meeting about walking and traffic, which would be Section 15.2-2283, Section VI, which states "the facilities existing are available, the obstruction of light and air, danger and congestion in travel and transportation, or loss of health or property from fire, flood, panic, or other dangers." He advised that he thinks this was addressed by the Mayor's answer that if traffic does become dangerous to the health of the community, the roads can be widened. Mr. Singleton remarked that he would also like to address the ability to walk in the neighborhood and the lifestyle argument if it is not rezoned R-1 Residential. He noted he would like to state that as a resident of an R-3 Residential District, they walk and bicycle all of the time, and they do not really feel restricted. Mr. Singleton advised that any street within any area can pick up traffic. He noted a person can try to pull out in the morning on Spring Street by the Farmer's Market coming this way, or Spiller Street, or Pine Street, which got so bad, the Town had to put up a traffic light to stop people. Mr. Singleton advised he would like to

state it is the Town's job and the police's job to deal with the safety, and the health issues of the community would be dealt with by the Health Department. He advised that to encourage economic development is included in Section VII, and noted he thinks the R-3 Residential District being less restrictive provides for economic development. Mr. Singleton indicated that the R-1 Residential District, which is totally residential only, provides no job creation potential, except for landscaping, lawn mowing, domestic housecleaning, and things of this nature, and that is because it is so restrictive these are the only jobs that the district can create, and the only economic development it can provide. He noted that as everyone sees things more hi-tech and computer oriented, a focus group that was done at their church twice last year from Virginia Tech was sort of the conclusion that Wytheville should remain a clean, little town, that hi-tech jobs were acceptable, and bad jobs were not as good, although there are factory jobs in Wytheville. Mr. Singleton stated he still thinks that R-3 Residential zoning allows enough home occupations and businesses to not be taken lightly in the future for job creation. He indicated there is the chance to create the kind of jobs that go from two employees to ten employees to 100 employees in just a matter of five or ten years. Mr. Singleton remarked that under the same law section, Section X, states, "promote the creation and preservation of housing suitable for meeting the current and future needs of the planning district within which locality is situated." He explained that the decision before the Town Council at this meeting is to change the zoning, and it is clear that the R-3 Residential zoning is more affordable. Mr. Singleton advised that the whole difference is a person could pay part of their mortgage with a home business, the lot size is smaller, and the building covenants, materials, and size of the house are less expensive. Mr. Singleton remarked that the decision the Town Council makes at this meeting regarding the R-3 Residential zoning is supposed to take the future needs of the entire planning district, which is actually larger than Wytheville, into account. He explained this decision is affecting more than this neighborhood or the Town of Wytheville, but it is the entire planning district. Mr. Singleton noted he would like also to state, as Mr. Fisher has stated, that the ones who do not speak need to be spoken for a little bit. He indicated that the Council can see from the letters that he did a little canvassing, and he spent four or five hours for a couple of days talking to people in the R-3 Residential districts. Mr. Singleton stated that the letters are against the change in zoning. He noted that these people are looking to the future for housing that is affordable for their friends, their daughters, their sons, and their relatives. He noted these people have a feeling for people who do not earn quite as much money in general. Mr. Singleton remarked that this is very clearly expressed in the text of those letters and expressed to him by people who were too shy to write letters. He noted that he had people who stated they did not want to sign their name because they work for the Town and noted the Town may fire them for writing a letter. Mr. Singleton advised that people also stated they were too shy. He indicated that he argues in opposition to Mr. Corvin's comment that they, the R-1 Residential people with the petition, elected the Council. He noted this is true, but everyone elects the Town Council, and the people in the R-3 Residential districts also elect Town Council under the system of districts and Councilman-at-large, and everyone is represented by the Town Council. Mr. Singleton indicated that he is not a professional pollster, and indicated he did not have a big budget. He explained that when he knocked on the doors in the R-3 Residential neighborhoods, the people expressed that they liked their neighborhood. Mr. Singleton pointed out that some people with fairly large amounts of money liked their neighborhood and their other neighbors with the diversity. He explained it was also stated that in the R-3 Residential districts there are people closer who can mow lawns, and all kinds of advantages were stated to him. Mr. Singleton noted that one gentleman stated if he won the lottery, he would stay in the R-3 Residential neighborhood and build an addition to his home. He remarked that he would also like to speak to some comments at the last meeting. Mr. Singleton explained that the zoning of land does not zone lifestyle, and it does not zone property values. He stated that zoning's purpose in the law is to create a harmonious community at large. Mr. Singleton indicated that nowhere does it speak to the situation where a small group looks across and wants itself rezoned. He remarked that this term has been discussed so much that he would like to ask Town Attorney Kaase regarding spot zoning. Mr. Singleton inquired of Town Attorney Kaase as to the legal definition of spot zoning. Town Attorney Kaase answered that he did not know the legal definition of spot zoning. Mr. Singleton inquired if anyone knew the legal definition of spot zoning. Mayor Crewe answered that the general definition of spot zoning is zoning that is isolated in one spot and a spot that would not make the zoning contiguous. Mr. Singleton explained that with the amendment, by chopping this small original R-3 Residential District into small pieces, who knows that it is not spot zoning, and it is a judgment call. He stated if it shrunk it to two lots, it would surely be spot zoning. Town Manager Sutherland explained that the situation on Petunia Road is that all of the property would be used in a residential setting as opposed to otherwise an activity that is not permitted in a district such as a business activity. He noted that there is not spot zoning in the sense that there is an isolated parcel of property being given the opportunity to do something that is not normally shared by the other residents in this area. Mr. Singleton inquired if Town Manager Sutherland is referring to the area being discussed in this meeting. Town Manager Sutherland stated that is correct. He explained if a business district was placed in this area, it would be considered spot zoning. Mr. Singleton noted that the Council is discussing

taking the totality of the original parcels of property that everyone came to discuss at this meeting and moving it to this, and by the mathematical complement, the Council would be spot zoning. Mayor Crewe noted that this is not spot zoning, and Mr. Singleton can have his opinion regarding this. Mr. Singleton stated it is all residential, but businesses will be allowed. He explained that by the Council portioning off a section and reducing its size, and noted he is not going to state it is spot zoning, but it tends to make a smaller and smaller area under this amendment where there were businesses allowed before, and there is not now. He reiterated he is not stating it is pure spot zoning. Town Manager Sutherland reiterated that this is not spot zoning. Mr. Singleton inquired as to what it would take to make it spot zoning. Councilman Lambert explained that a person could take one lot and ask that it be rezoned for the establishment of an auto shop, and this would be a prime example of spot zoning. Mr. Singleton remarked that he will continue to state that it is approaching spot zoning as the Council shrinks the sizes of the districts. He reiterated that it approaches a spot zoning situation as the individual districts are shrunk. Mr. Singleton indicated that he was wondering about spot zoning, and he likes the definition from Councilman Lambert. He inquired of Councilman Lambert if he is sure about this definition. Councilman Lambert stated that is correct. Mayor Crewe thanked Mr. Singleton for his comments. Mr. Singleton indicated that he had a comment from one person who told him to tell the Council that one of the major goods to zoning is stability, and a person has a right to their zone, and when someone wants to change it, that stability is lost. He explained that this is why the R-3 Residential zoning has been in this area for 23 years, and people have liked it until now. Mr. Singleton advised he would also like to state that with the LLC, he agrees with it. He noted that these individuals purchased the property knowing it was zoned R-3 Residential, and it is now subject to change. Mr. Singleton remarked that being a conservative person on this type of thing, the stability was lost in their case. He indicated he would let the letters and the comments speak for themselves, and the zone should stay R-3 Residential. Mr. Singleton pointed out that it is proven that the number of people who have moved into R-3 Residential zones and built places that they like and knew it was R-3 Residential at the time should note there is no great fear of the future, especially with the plans proffered by the LLC. He explained that it is no doubt that the R-3 Residential District has much greater potential for the average person to gain a residence. Mr. Singleton thanked the Council for listening to his comments. Mayor Crewe thanked Mr. Singleton for attending the meeting.

Mr. Barry Anders was recognized and stated that he and his wife live at 135 Dodgion Street. He indicated that they support the change in zoning to R-1 Residential for the entire properties that are under consideration. Mr. Anders remarked that in thinking about this, he is looking at the Council and wondering what they are thinking about trying to be fair and he is wondering about what issues they are considering and wondering if they are thinking about what if this was the plan for the Council members' neighborhoods where they live and what they would think about it. Mr. Anders remarked that he is wondering if the Council is considering that things they do may affect profit margins for people or may change plans for developers. He stated he is wondering how much weight the Council gives to the letters and comments from citizens of Wythe County and Wytheville who do not live anywhere near this property. Mr. Anders advised that he hopes the Council will give some credence and some weight to every single person who lives in and around this area that Mr. Corvin has mentioned earlier in the petition. He noted that one way this issue has been discussed is the people in the big houses versus progress. Mr. Anders pointed out that there are other ways to look at this, and another way to look at this is that people who scratched, clawed, saved, and did without, and put down roots, are looking for consistency in their neighborhood. He stated that in walking and doing some of these door to door and asking people what they thought, he did not see a single "for sale" sign, other than the new house that Mr. King owns. Mr. Anders advised that there is not a single "for sale" sign, and people are rooted and are staying there, and putting down roots, just like them. He stated they are asking the Council to look at the numbers of the people who live in the area that support the rezoning and do what is correct. Mayor Crewe thanked Mr. Anders for his comments and for attending the meeting.

Mayor Crewe stated that everyone who signed up to speak has now had the opportunity, and Mr. Lynn has indicated that he would like to speak again.

Mr. Benny Lynn stated the area that is being discussed is roughly 1/20 of this total project, and all the citizens in this area are asking for protection of this 1/20 of this entire project. Mayor Crewe thanked Mr. Lynn for his comments.

Mr. George Fisher was recognized and stated that as he counts on the east side of Petunia Road, there are about 12 houses, 24 mobile homes and a home that looks like a mobile home, so that makes 25, and there are about 12 or 13 houses on the west side of Petunia Road, and 3 or 4 of those houses are vacant. He remarked that coming from Route 11 South, when a person starts up Petunia Road, most of the property is a hayfield. Mr. Fisher remarked that the Ruth M. Shores Estate is a hayfield. He noted he thinks the house may be lived in, but if

someone keeps coming down the road, there is the Burriss property, and he thinks it is empty. He noted the property of Ruth H. Etter is also a hayfield. Mr. Fisher reiterated that most of the properties are hayfields. Mr. Fisher noted that on Mr. Benny Lynn's property, he runs cattle, and Mr. Lynn has spoken several times. He advised that then there is Dodgion Street and there are six houses there. Mr. Fisher stated that Mr. King built the Callahan house, the Smith house, and the King & King property. He noted then there are the four lots they purchased recently, and then there is Mr. and Mrs. James Desposito's property. Mr. Fisher indicated that Mrs. Desposito has three people who are 18 or older in her home, and she does not want the property rezoned to R-1 Residential. He explained that he did not know if they could come up with 44 signatures of people who actually live in the area. Mr. Fisher pointed out that he is not refuting that, but he is stating if someone goes up in the mobile home park and asks those people, if two people live in those mobile homes, that is 50 signatures. He stated he is sure there are people who probably did not vote. Mr. Fisher remarked that if a person is going up and down Petunia Road and being representative of who lives there, he did not know if they could obtain 44 signatures. He stated this entire town is a community, and they are not asking to do anymore than they intended doing there when they purchased it, and they could have gone straight to the Town Office and obtained their permits. Mr. Fisher noted they could have rushed the plans, but they did not do this. He stated they wanted to make some good decisions. Mr. Fisher advised that they are not trying to cover the entire place with multiple family homes. He explained that all they are talking about is putting two single-family units on one lot where people do not have a large yard to mow and where they do not have any steps. He noted this is basically what they are talking about is putting two units per lot, and they are not talking about running a dog kennel or putting in a gas station or anything else in this area. Mr. Fisher remarked that as he has stated, this is their main purpose of attending the meeting three or four times and going to the meeting the Planning Commission held where Councilman Jones attended. He indicated that he noticed that when he downloaded the necessary paperwork on the Planning Commission that there were no names on it, and it appeared that someone on the Planning Commission drove down Petunia Road and noted it needed to be zoned from R-3 Residential to R-1 Residential. Mayor Crewe interjected that this is not correct, and this was a spin off from the hearing from the request that Mr. Kegley had, and that is when the citizens requested it. Mr. Fisher inquired if there were names on this because it did not list them. Mayor Crewe advised that there was a room full of people at the Council meeting requesting it, and the Council referred it to the Planning Commission. He thanked Mr. Fisher for his comments.

Mr. Benny Lynn was recognized and stated no one in the mobile home park signed the petition, and they were not owners of property. He explained that if a person starts at Highway 11 and goes south, not everyone on this street was approached. Mr. Lynn indicated that primary property owners such as the Burrisses, himself, everyone on Dodgion Street, and everyone without exception on the east side of Petunia Road excluding the mobile home park were approached. He indicated that if it would clarify things, he thinks this has come up at two or three meetings regarding the number of people who are opposed to this. Mr. Lynn indicated that if the Council looks at the signatures presented, he feels that the Council will find the proper addresses. Mayor Crewe thanked Mr. Lynn for his comments. Mayor Crewe stated that so everyone will remember it in their thought process, the portion that is before the Council to be considered for rezoning is only the portion on the west side of Petunia Road and not the east side.

Mr. Jack Singleton was recognized and stated in response to the two gentleman who spoke for a second time, Mr. Anders mentioned the scratching and digging in roots, and he would like to speak for the R-3 Residential person. He noted that residents in R-3 Residential zones "scratch" too, and this is not unique. Mr. Singleton indicated that the zoning law talks in terms of the community, and it does not talk in terms of small areas. He stated he would also like to comment about the school system as it interacts with the civic involvement. Mr. Singleton noted that he found that when Mr. Fisher was stating about the mobile home park that possibly no one canvassed them, and they are not owners. He stated this may or may not be true, and they are not property owners because Mr. Ralph Shortt owns the mobile home, but indicated that he thinks the question is the lifestyle and quality of the community for residents, not just property owners. Mr. Singleton noted that this went out about 1805, and a person did not have to own property to vote and this was for the residents who voted in America, and this was at least 200 years ago. He remarked that regarding the mowing comment, he came across that in what amounted to be letter writing and taking letters and talking to people in R-3 Residential Districts. Mr. Singleton explained that mowing is becoming a growing complaint among property owners, and there is too much to mow. He stated there are lawsuits, and the teenagers do not mow anymore. Mr. Singleton advised that teenagers used to mow someone's yard for \$5.00 with a mower from a shed, but now, it is a big professional thing and the person arrives in a truck with a weed eater, two mowers, and a riding mower, and it costs \$50 or \$75 for a big lawn and it has to be mowed once or twice per month, or more. He stated that also in R-3 Residential, for the response in a mobile home park, he wished they would come to the meetings. Mr.

Singleton noted that he talked to approximately 80 people, and he sees that only a handful came to the meeting. He stated that many promised they would come, but he insisted on written records, and he was going to give them their letters back if they spoke. Mr. Singleton remarked that he found an extreme ignorance of civics that were taught in the school system. He advised that the citizens were stating things such as the Town Council is going to do what they want, and that it is a "done deal." Mr. Singleton stated that he told the citizens it is not a "done deal," and they need to attend the meeting. He noted that on the practical side, the R-3 Residential residents are sometimes young families, sometimes infirm, and sometimes not educated and cannot speak. Mr. Singleton indicated that he knocked on one door where a small child came to the door around 8:30 p.m., and he asked to talk to his mom and dad about an issue that is before the Town Council. He noted the child stated his parents are working the midnight shift. Mr. Singleton remarked that this takes care of the shift work, and in a lower income area, people are working all hours of the clock, and they cannot attend meetings, and a child is taking care of the house at the time. Mr. Singleton indicated that in regard to Mr. Lynn stating it is a repeat of the owner versus resident argument, and noted he does not know the exact date, but everyone has the right to vote without owning property, and in the Commonwealth of Virginia, everyone can register and vote. He stated he wished that more people would attend a lot of meetings. Mr. Singleton noted that sometimes he is eating or cooking dinner and does not attend the meetings or is not interested in the subject. He thanked the Council for listening to his comments. Mayor Crewe thanked Mr. Singleton for his remarks.

Mayor Crewe inquired if there are any other comments or discussion or if anyone on Council has any questions, comments, or discussion on the motion. There being none, he noted he would assume the Council is ready to vote. Mayor Crewe remarked that this is a voice vote on the amendment to the ordinance. He explained that the amendment is to amend Ordinance No. 1177 to provide that the portion of Petunia Road on the west side of Old Stage Road between West Lee Highway and a line that the Council marked on the southern boundary of the King and King property be rezoned to R-1 Residential. He inquired if there is any further discussion on this motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

Mayor Crewe stated that the ordinance is now amended so that the only part under consideration is the properties north of the line on the map. He inquired if there is a motion on Ordinance No. 1177 as now amended. Councilman Jones stated the ordinance could be adopted on second reading or second and final reading. Mayor Crewe stated that is correct if this is what the Council desires to do. Councilman Jones indicated that the Council just voted to amend the ordinance. Mayor Crewe advised that the ordinance, as amended, is before the Town Council. Councilman Lambert inquired if this is the first reading of the amended ordinance. Mayor Crewe explained that it is a second reading of Ordinance No. 1177, but is amended now, and it was not amended when the ordinance was read the first time. Town Attorney Kaase advised that if the Council voted on this ordinance affirmatively at this meeting, unless they do something differently, the Council will have another opportunity to either vote for, against, or amend the ordinance. Mayor Crewe remarked that the Council has three choices and noted that the Council could do nothing, table the ordinance, etc., but if the Council is going to take action on Ordinance No. 1177, as amended, the Council can pass it on second and final reading, if they desired, or they could pass it on second reading, which means the ordinance would require another reading at the next meeting before it could be passed in final form. He explained that it appears that the Council will also need to set a public hearing on the remainder of the properties, if this is what the Council desires to do when they are finished with this part of the amendment. Mr. Singleton inquired if it is too late to ask a question regarding that. Mayor Crewe stated at this point, it is too late to ask a question because he is looking for a motion. A motion was made by Councilman Lambert and seconded by Councilman Weisiger to approve 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 located between Old Stage Road and West Lee Highway from R-3 Residential to R-1 Residential, as amended, on second, but not final, reading. Mayor Crewe stated the posture is that the Council has amended Ordinance No. 1177 in front of them on second reading. He inquired if there is any discussion on the motion. There being none, Mayor Crewe stated he will now entertain a question from Mr. Singleton if he has a question that the Council can respond to. Mr. Singleton noted that it seems to him that by adopting the northerly section, it is not the same as a public notice was advertised for. Mayor Crewe indicated that it is less than the public notice was advertised for. Mr. Singleton stated that it is less, and this is the part that Town Attorney Kaase explained. Mayor Crewe noted it is not all that was advertised, and it is a portion of what was advertised. He noted what was advertised goes all of the way from Old Stage Road to almost Route 11. Mr. Singleton remarked that a portion is legal and the intensity question is taken care of. Mayor Crewe stated that is correct. Mayor Crewe inquired if there is any discussion on

amended Ordinance No. 1177. There being none, the motion was approved with the following voting in favor and there being no opposition:

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

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1177 was approved on second, but not final, reading. Mayor Crewe advised that the ordinance will be presented at the next meeting on third and final reading.

RE: PETUNIA ROAD REZONING – SOUTHERN PORTION

Mayor Crewe inquired if the Council would like to do anything regarding the properties on the southern portion of the zoning map on Petunia Road. He stated from the Council's discussions, it was indicated that they may desire to hold a public hearing to rezone these properties to R-2 Residential. He noted he is going by what the Council stated and what he understood. Councilman Jones noted his question is can the Council do this or do they need to refer it back to the Planning Commission. Mayor Crewe answered the advice he is receiving from legal counsel is the Council can set its own public hearing for the next meeting because they can meet the two week advertising deadline, which the Council cannot ordinarily do, but they can this time. He noted the Council could set a public hearing on the southern portion of the properties on Petunia Road to rezone them to R-2 Residential without referring it back to the Planning Commission. Councilman Jones remarked that based on what he understood Mr. Fisher to state, he would make a motion that the Town Council set a public hearing for the September 13, 2004, meeting to consider rezoning the southern portion of these properties from R-3 Residential to R-2 Residential. The motion was seconded by Councilman Lambert. Town Manager Sutherland inquired if there are any stipulations or conditions. Councilman Jones noted he is not including any conditions on the rezoning in his motion. Mayor Crewe noted that the motion is that the Council schedule a public hearing pursuant to necessary advertising requirements for the next Council meeting to rezone the southern portion of the properties from the King and King property to R-2 Residential. Mayor Crewe inquired if he is understanding the motion and second correctly. Councilman Jones stated that is correct. Mayor Crewe inquired if there is any other discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, John W. Jones, Jr., William B. Weisiger, H. Judson Lambert. Against: None.

Mayor Crewe noted if he is understanding correctly, and asked the Council to correct him if he is wrong, particularly on Robert's Rules of Order, where the Council is at this meeting is at the next Council meeting, the first meeting in September, because the next Council meeting will be on August 30 when the Joint Governing Bodies meeting is held in Rural Retreat, and noted he is not talking about that meeting, but the next regularly scheduled meeting, the second Monday in September, which is September 13, this will be before the Council as two separate items. He noted that one item will be Ordinance No. 1177 on third and final reading, which takes care of the northern section zoning to R-1 Residential. Mayor Crewe indicated there will also be a public hearing on the southern portion of this area to be rezoned to R-2 Residential. He noted the southern portion is proposed for a public hearing at the next regularly scheduled meeting to go from R-3 Residential to R-2 Residential. Mayor Crewe inquired if anyone disagrees with what he just reiterated. There being no objections, he noted he thinks he stated it correctly.

RE: TAZEVELL STREET TRAFFIC LIGHT/STOP SIGN, CHURCH STREET SIDEWALKS

Councilman Jones stated he has two small projects for the Public Works Committee. He noted that he received one phone call and comments from two other persons. He noted that first is the stop sign and the traffic light on Tazewell Street. Councilman Jones advised that quite frankly, he did not think the Town was going to have the light operating where it would be red, and it would stay green. He explained that currently, during the day, it is changing to red. Councilman Jones noted that during the day, a motorist has to stop at the light, go 60 yards, and has to stop again. He remarked that the person wanted to have the stop sign removed. Councilman Jones advised that he would appreciate the Public Works Committee reviewing this matter.

Councilman Jones noted that he has viewed the second problem, and he thinks it needs to be reviewed. He noted it is on Church Street starting in front of Barnett's Funeral Home and going down that side of the street, and then when a person crosses over near Mr. Frisby Smith's home, the sidewalks need to be viewed because they have sunk down and are uneven. Councilman Jones advised that this makes it difficult for a lot of people to walk, particularly, older people who have difficulty maintaining their balance. He noted he thinks the Public

Works Committee needs to review this. Mayor Crewe advised that the Public Works Committee has both of these under study at the moment. He noted the sidewalks on Church Street are brick sidewalks, and they are not concrete. Mr. Singleton pointed out that some of the sidewalks are dirt. Mayor Crewe advised that is correct.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting. (8:45 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, CMC, Clerk of Council

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BUDGET AND FINANCE COMMITTEE REPORT

AUGUST 23, 2004

1. At our last meeting, the Council appointed a number of persons to serve on the new Child Care Advisory Board for the child care facility to be located in the Wytheville Community Center. As you know, the Town has been offered a Community Development Block Grant in the amount of \$700,000, which is to be used in the development of the child care facility. One of the stipulations by the Department of Housing and Community Development is that we have an advisory board that will provide governance of this facility. We noted in our report at the last meeting that there would necessarily need to be additional members appointed to this board. The two names that have been suggested for Council to consider are Ms. Angela Battaglia and Ms. Robin Crockett. It would be the recommendation of the Budget and Finance Committee that these two persons be appointed to the new Child Care Advisory Board.
2. This year, during the budgetary process, the Council adopted departmental budgets and then requested department heads to develop individual line items within that department to create a balanced budget for that particular department. At that time, there were several ongoing water and sewer projects that began in the last fiscal year and will be completed during the current fiscal year. As such, there are a number of line items within the water and sewer side of the budget that need to be revised to reflect these ongoing projects. We have attached, for your review, a listing of the various line items that need to be revised within the Water and Sewer Budget. The net result of these line item revisions

is zero, and the total budgeted amount does not change at all. The purpose of the Council action to revise these line items is to satisfy our auditing requirements. Therefore, it is the recommendation of the Budget and Finance Committee that we authorize the Town Treasurer to revise the line items within the Water and Sewer Budget to reflect the revisions shown on the attached sheet.

Jacqueline K. King

John W. Jones, Jr.

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PUBLIC WORKS COMMITTEE REPORT

AUGUST 23, 2004

1. The Commonwealth Transportation Board has announced that it will hold a series of public hearings around the state to receive comments on the Six-Year Improvement Program. The public hearing for the Bristol District will be held on September 21st, though the exact location and time have not as yet been announced by the Department of Transportation. The purpose of these public hearings is to receive comments on highway projects, railroad projects, and other public transportation projects that the Commonwealth Transportation Board will consider for placement in the 2005 program. The Town has always participated in these public hearings and has a number of previously identified projects. The portion of roadway currently labeled as a Connector Road, which will be located between Peppers Ferry Road paralleling I-81 to a point near Exit 73, remains our top priority. Again, this year, we will provide the Commonwealth Transportation Board with improvements that we think are necessary.
2. Last week, a meeting was held between Wytheville and Wythe County to discuss water and sewer improvements that will be needed to serve the south side of Progress Park. Wythe County is presently in the process of extending its water lines along the service road to the Town's eastern corporate limit. Currently, the Town has a water line that terminates at a point near the Edgemont Center on Chapman Road that will necessarily need to be extended eastwardly to a connection point with the County's line at the corporate limit line. At that point, an additional line will be

connected that will serve the south side of Progress Park. The sewer service to the south side of Progress Park will be provided by Wythe County, who will need to install certain lines and pump stations to accommodate sewer service for this area. Both the Town and the County are working cooperatively on these projects and have begun the negotiation process for engineering services. The Town has received a \$40,000 grant from the Mount Rogers Planning District Commission to assist with design expenses. Recently, we were also advised that the Tobacco Commission had awarded \$350,000 toward these joint projects. Additionally, we will be seeking Community Development Block Grants to assist with the project expenses. We might note, also, that these new lines will not only serve the south side of Progress Park, but are also an integral component of the New River Regional Water Authority. These two new sections of line will result in the Town's and County's water systems being connected, providing the flexibility of either jurisdiction transporting water to the other. No action is required by the Council at this time, but we did want to give the Council an update on these projects.

William B. Weisiger

H. Judson Lambert