

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

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

Members absent: John W. Jones, Jr.

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

**RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE**

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

**RE: CONSENT AGENDA**

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of September 27, 2004; the request of the Wythe County Electoral Board for waiver of fee for use of the Community Center Bingo Room on October 26, 2004, for training election officials; and the request of the Wytheville-Wythe-Bland Chamber of Commerce, Incorporated for permission to conduct the Annual Chamber of Commerce Christmas Parade on Saturday, December 4, 2004, at 5:00 p.m. and to close the municipal parking lot for float parking. A motion was made by Councilman Lambert and seconded by Councilman Weisiger to approve the consent agenda consisting of the minutes of the regular meeting of September 27, 2004; the request of the Wythe County Electoral Board for waiver of fee for use of the Community Center Bingo Room on October 26, 2004, for training election officials; and the request of the Wytheville-Wythe-Bland Chamber of Commerce, Incorporated for permission to conduct the Annual Chamber of Commerce Christmas Parade on Saturday, December 4, 2004, at 5:00 p.m. and to close the municipal parking lot for float parking. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, H. Judson Lambert. Against: None.

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

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

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

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

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

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

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

#### **RE: CITIZENS' PERIOD**

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

#### **RE: OLD BUSINESS**

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

#### **RE: BUDGET AND FINANCE COMMITTEE REPORT**

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

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

#### **RE: PUBLIC WORKS COMMITTEE REPORT**

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

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

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

#### **RE: ORDINANCE NO. 1181 – RIGHT OF WAY ABANDONMENT**

Mayor Crewe presented Ordinance No. 1181, an ordinance abandoning an area of right of way on Cassell Road, which abuts property at 360 Cassell Road, on first reading. He noted this is the ordinance that Mr. Cassell and Pastor Moore are attending the meeting regarding. Mayor Crewe advised that this is the ordinance that would abandon the Cassell Road right of way. He noted it comes from the recommendation of the Public Works Committee that the rules be suspended and the ordinance be adopted on first and final reading, so it would be effective immediately. A motion was made by Councilman Lambert and seconded by Councilman Weisiger to suspend the rules and adopt Ordinance No. 1181, an ordinance abandoning an area of right of way on Cassell Road, which abuts property at 360 Cassell Road, on first and final reading. Mayor Crewe inquired if there is any discussion on the ordinance. There being none, the motion was approved with the following voting in favor and there being no opposition:

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

AGAINST: None

ABSTENTIONS: None

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

#### **RE: APPOINTMENT – JOINT INDUSTRIAL DEVELOPMENT AUTHORITY**

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

applications in their packet for appointment to this Authority. A motion was made by Vice-Mayor King and seconded by Councilman Lambert to appoint Mr. David Elmore to the Joint Industrial Development Authority. Mayor Crewe inquired if there is any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, H. Judson Lambert. Against: None.

**RE: ADJOURNMENT**

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

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Trenton G. Crewe, Jr., Mayor

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Sharon P. Hackler, CMC, Clerk of Council

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[Back](#)

## **BUDGET AND FINANCE COMMITTEE REPORT**

**OCTOBER 11, 2004**

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

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

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Jacqueline K. King

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John W. Jones, Jr.

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[Back](#)

## **PUBLIC WORKS COMMITTEE REPORT**

**OCTOBER 11, 2004**

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

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

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William B. Weisiger

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H. Judson Lambert

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[Back](#)