

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, AUGUST 22, 2005, AT 7:00 P.M.**

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

Members absent: William B. Weisiger

Others present: Town Manager C. Wayne Sutherland, Jr., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon P. Hackler, Town Attorney Robert P. Kaase, Police Officer Tommy Lester, Paul Garst, Michelle Garst, Jean Desmarais, George E. Porter, Shannon T. Schrader

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 Jones.

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of August 8, 2005. A motion was made by Vice-Mayor King and seconded by Councilman Lambert to approve the consent agenda consisting of the minutes of the regular meeting of August 8, 2005. 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., H. Judson Lambert. Against: None.

RE: PUBLIC HEARING – ALLEY CLOSING

Mayor Crewe stated the meeting constituted a public hearing (due notice having been given) to consider the request of Mr. Paul Garst to close an alley running parallel to Pine and Spiller Streets between 20th and 22nd Streets. He noted that Mr. and Mrs. Garst are attending the meeting. Mayor Crewe advised the Garsts that he is not suggesting they have to speak. He noted that Ms. Demarais and Mr. Porter are also attending the meeting. Mayor Crewe inquired if there are persons present who wish to address the Council during the public hearing.

Mr. Paul Garst was recognized and stated he would like to thank the Council for being able to attend the meeting and noted he would like to take this opportunity to present a petition to them. He advised that he has not had anyone state they were against closing the alley, and noted that everyone that he has talked with, all of the abutting property owners, are in favor of closing the alley. Mr. Garst reiterated that everyone was very helpful in helping him secure signatures and going back and getting more signatures again. He noted it has been a very easy process. Mr. Garst indicated that he was asked by one property owner, Jean Widner, if the Town could possibly mark the middle of the alley once it is closed so she will know where the boundaries are, and indicated that it would be a nice thing for everyone there. He advised that a lot of people are interested in knowing exactly where the center of the alley is located. Mr. Garst noted that everyone is aware of the easement involved and what they can and cannot do, and advised that he has explained this to them. Town Manager Sutherland indicated that he does not think marking the center of the alley will be a problem. Mayor Crewe stated he thinks the Town could mark the center of the alley with wooden stakes with flags, etc. He thanked Mr. Garst for attending the meeting and for his comments.

Mayor Crewe inquired if there are others who wish to address the Council during the public hearing. He stated he can reflect the fact that as far as he is aware, there has not been anyone to speak in opposition nor has there been any adverse indication that the Town has heard from anyone. There being no one else who desired to address the Town Council, Mayor Crewe declared the public hearing closed.

RE: CITIZENS' PERIOD

Mayor Crewe stated the next agenda item is Citizens' Period. He inquired if there are persons present who wish to address the Council during Citizens' Period.

Mr. Paul Garst was recognized and stated he wanted to ask about the Town's position on property maintenance. Mayor Crewe noted that the Town Council is in favor of property maintenance. Mr. Garst inquired if there is any type of regulation where if a property is overgrown and it becomes a problem with animals, possums, groundhogs, etc. that something could be politely said to the property owner or the person could be contacted if they are out of town. Mayor Crewe advised that there are two answers to that question. He indicated that in the recent past, the Town has done several things. He noted that, obviously, the Town ordinance requires that property be mowed now between August 15 and September 15. Mayor Crewe indicated that if the property is not mowed, the Town will mow it and send a bill to the people who own the property. He remarked that this might help part of the problem, and, at least, the property gets mowed. Mayor Crewe advised that he does not know the property to which Mr. Garst is speaking, but this is the routine procedure the Town follows. He stated that also as the Town becomes aware of a problem area or areas that are neglected or not being maintained, the Town will visit with the property owner, or the tenant in some cases if there is a person on the property who is not the owner, and make them aware of the issues, and, noted that, hopefully, a word to the wise is most of the time sufficient. Mayor Crewe explained that the third step, normally, if this does not work, is the Town is presently in court with two or three different property owners that the Town has cited for being in violation of the various ordinances, and the Town has taken them to court. He noted that two cases have been to trial. Mayor Crewe advised that there are a couple of other problem spots that the Town is working on, and they are in the various stages of being addressed. Mayor Crewe remarked that if there is a particular property that Mr. Garst would like to advise the Town Council of where it is in an open meeting, which would be part of the minutes, that is acceptable, or if Mr. Garst would like to make it known otherwise, that is acceptable. He indicated that the Town tries to find every spot, but, obviously, there are some the Town does not detect, but if the Town can find a particular area of concern, the Council will try to address it along these three steps basically. Mr. Garst inquired if there is a point of contact within the Town to address this. Town Manager Sutherland stated that Mr. Garst can call him about the problem. Mayor Crewe explained that if it is a zoning issue, Mr. Garst can call Town Manager Sutherland, Assistant Town Manager Moore, or Building Official Stan Massie. He advised if it is a Building Code issue, Mr. Garst can contact Building Official Stan Massie. Mayor Crewe noted it depends on the problem as to who takes care of it, but indicated that probably the fastest, easiest thing to do is report it to the Town Manager who will report it both to the Town staff responsible and to the Town Council. Vice-Mayor King inquired if it is at the end of North Spiller Street. Mr. Garst indicated that he will mention the location later and he does not want to make it part of the public minutes. Vice-Mayor King indicated that she knows where the property is located. Mr. Garst remarked that he wanted to find out the protocol for these situations. Mayor Crewe thanked Mr. Garst for voicing his concerns.

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

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. Last week, the Town received bids on the project known as the Lot 31 Water Line Extension. This is the water project that will serve Progress Park, and, soon, it may serve the new Gatorade facility. There were ten contractors who picked up plans and five who submitted bids. The apparent low bidder, and noted that the Town has not received the report back from the engineers, is the Aaron J. Conner Construction Company with a low bid of \$1,906,000. There were three other contractors who were relatively close, within a couple hundred thousand dollars, and then there was another contractor who submitted a bid for \$3.2 million. Town Manager Sutherland advised that he spoke with Mr. Webster Day, the bond counsel, today, and he indicated that everything is on schedule for a closing in the next week or so on the bonds, and, thereafter, the Town can award these contracts and proceed with this project. This project seems to be coming together. Mayor Crewe inquired if the bids were within the realm of what the Town expected. Town Manager Sutherland advised that the engineer had estimated \$2.186 million on this particular segment, and the bids came in at \$1.906 million, so the estimates were rather good.
2. The Town has bid the repaving of Withers Park, and the Town has awarded this contract. Town staff is expecting any day that the contractor will be at Withers Park paving, and the Town received a good price on the paving of the Withers Park walking track. Mayor Crewe inquired if this paving can be done in one day. Town Manager Sutherland answered that he doubts the paving can be done in one day. Mayor Crewe advised that the paving will probably take two or three days. Town Manager Sutherland

indicated that the contractor may be able to complete the paving in one day. Councilman Jones advised that it is possible that the paving could be completed in one day.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Mayor Crewe advised that the Budget and Finance Committee does not have a report for this meeting, and he proceeded with the agenda. ([Attachment](#)).

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Lambert, reporting for the Public Works Committee, stated that earlier in the meeting, there was a public hearing held pursuant to a request of Mr. Paul Garst and other property owners who abut an alley bounded by 20th, 22nd, Spiller, and Pine Streets who are seeking vacation and abandonment of this alley. He advised that the petition that was submitted was executed by all property owners whose land abuts this existing alley. He stated the Committee has reviewed mapping information associated with this alley and, also, has viewed the alley and visited the location to view the situation involved with this alley. Councilman Lambert indicated that in the Committee's viewing of the alley, they found that the existing alley has trees and other vegetation and materials that would preclude its use by vehicles for traversing through the block. He stated that also, the Committee met with Mr. Garst to discuss the terms under which the Town could consider the vacation and abandonment of the alley. Councilman Lambert noted that after their negotiations, it was agreed that the Town would accept the sum of \$1,150 cash as well as maintaining a utility easement through the land where the alley is currently situated. He stated that Mr. Garst and other abutting property owners have agreed to these terms. Councilman Lambert advised, therefore, based on the Committee's review, it would be the recommendation of the Public Works Committee that the ordinance that will be considered later in the meeting that vacates and abandons this portion of alley, provides for compensation to the Town, and the preservation of a utility easement be adopted on first and final reading.

Councilman Lambert also reported that at the last Committee meeting, they reviewed an inquiry Councilman Jones had received with regard to two issues on Holston Road. He stated that Councilman Jones has noted he had received complaints about speeding on Holston Road and had also received complaints about large trucks and tractor-trailers using Holston Road as a shortcut through town. Councilman Lambert remarked that the Committee has begun their review on this inquiry and would note that the existing speed limit on Holston Road between Fourth Street and Cove Road is 35 miles per hour. He stated this appears to be a reasonable speed limit on this section of road because the geometrics of the road can reasonably accommodate this speed. Councilman Lambert advised that with regard to the truck traffic using Holston Road, it has been suggested that the Town post it for "No Through Trucks." He stated that the Town realizes, of course, that there are certain trucking operations associated with the Asbury Center in the delivery of supplies. Councilman Lambert advised that, obviously, trucks delivering to the Asbury Center have a destination and, therefore, would not be considered a through truck. He indicated that before proceeding with any new signage for Holston Road, the Committee thought it may be helpful to solicit comments from residents in this area to determine if there are any problems with which the Committee is not familiar. Councilman Lambert stated that, otherwise, their Committee will be in a position to make a recommendation at the next meeting of Council. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: ORDINANCE NO. 1194 – ALLEY ABANDONMENT

Mayor Crewe presented Ordinance No. 1194, an ordinance vacating and abandoning an alley running parallel to Pine and Spiller Streets between 20th and 22nd Streets, on first reading. He advised that it is recommended by the Public Works Committee that this ordinance be adopted on first and final reading, so it will be effective immediately. Mayor Crewe indicated that this requires a payment to the Town of \$1,150 and maintains the utility easement. He stated that since this is a recommendation from the Committee, it already has a second. Mayor Crewe inquired if there is any discussion on the motion to adopt Ordinance No. 1194, an ordinance vacating and abandoning an alley running parallel to Pine and Spiller Streets between 20th and 22nd Streets, on first and final reading. 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, John W. Jones, Jr., H. Judson Lambert

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1194 was adopted on first and final reading. Mayor Crewe noted that the alley is now closed, effective immediately. He inquired if the second part of this, if he is reading Council's consensus, is they would ask Town staff to mark the centerline of the alley now since Council has closed the alley. Vice-Mayor King stated that is correct. Mayor Crewe noted that the Council will instruct Town staff to mark the centerline of the alley so the citizens will know where the centerline is located.

RE: APPOINTMENT – RECREATION COMMISSION

Mayor Crewe stated the next agenda item is the recommendation of the Recreation Commission regarding the appointment of a student member to the Commission. He noted the recommendation from the Recreation Commission is to appoint Allison Phillips as the student member for a term that will expire May 31, 2006. A motion was made by Vice-Mayor King and seconded by Councilman Jones to appoint Allison Phillips as a student member to the Recreation Commission. 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., H. Judson Lambert. Against: None.

RE: PLANNING COMMISSION ANNUAL REPORT

Mayor Crewe stated the next agenda item is the 2004-05 annual report of the Wytheville Planning Commission. He noted that since Councilman Jones is the liaison to the Commission, he will present the report. Councilman Jones indicated that he will highlight a few items of the report. He noted that in July and August 2004, the Planning Commission held a public hearing and made a recommendation to the Town Council to approve the rezoning of properties located on the west side of South Fourth Street between West Madison Street and Railroad Avenue from M-1 Industrial to R-3 Residential. Councilman Jones indicated that this rezoning was done at the request of the citizens who live in this block. He noted that the Commission also held a public hearing and recommended that the Town Council approve the rezoning of properties located on the west side of Petunia Road from R-3 Residential to R-1 Residential. Councilman Jones indicated that in January and February 2005, the Planning Commission conducted a public hearing and made a recommendation to the Town Council to approve, with stipulations, the request of Virginia RSA2 Limited Partnership d/b/a ALLTEL for a special exception permit to increase the height of an existing cellular tower located at 955 Peppers Ferry Road, which is the Ramada Inn property. He advised that in May and June 2005, the Commission held a public hearing to consider replacing Article XXII, Standards for Telecommunications Towers, of the Town of Wytheville Zoning Ordinance with a new Article XXII, Ordinance Regulating the Siting of Wireless Telecommunications Facilities, and recommended to the Town Council that the new ordinance be adopted. Councilman Jones stated that, obviously, there were a lot of other issues the Commission considered, but these were four of the highlighted items he thought were necessary to point out. Mayor Crewe thanked Councilman Jones for the report and advised that the Council thanks the Planning Commission for all of their efforts. He stated that the Commission, obviously, has a busy agenda every time they meet. Mayor Crewe inquired if there are any questions from the Council for Councilman Jones regarding the Planning Commission. There being none, he thanked Councilman Jones for his report.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded, and carried to adjourn the meeting (7:16 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

BUDGET AND FINANCE COMMITTEE REPORT

AUGUST 22, 2005

1. Mr. Mayor, because of certain circumstances, our Committee has been unable to meet since the last meeting of Council. We do, however, have several matters that are pending and would anticipate that we would have reports on these items at the next meeting of Council. We will commence with our regular meeting schedule on Thursday of this week.

Jacqueline K. King

John W. Jones, Jr.

PUBLIC WORKS COMMITTEE REPORT

AUGUST 22, 2005

1. Earlier this evening, there was a public hearing held pursuant to a request of Mr. Paul Garst and other property owners who abut an alley bounded by 20th, 22nd, Spiller and Pine Streets who are seeking vacation and abandonment of this alley. The petition that was submitted was executed by all property owners whose land abuts this existing alley. Our Committee has reviewed mapping information associated with this alley and, also, has viewed the alley and visited the location to view the situation involved with this alley. In our viewing of the alley, we found that the existing alley has trees and other vegetation and materials that would preclude its use by vehicles for traversing through the block. Also, we met with Mr. Garst to discuss the terms under which the Town would consider the vacation and abandonment of the alley. After our negotiations, it was agreed that the Town would accept the sum of \$1,150 cash as well as maintaining a utility easement through the land where the alley is currently situated. Mr. Garst and other abutting property owners have agreed to these terms. Therefore, based on our review, it would be the recommendation of the Public Works Committee that the ordinance that will be considered later this evening that vacates and abandons this portion of alley, provides for compensation to the Town and the preservation of a utility easement be adopted on first and final reading.
2. At our last Committee meeting, we reviewed an inquiry Councilman Jones had received with regard to two issues on Holston Road. Councilman Jones had noted that he had received complaints about speeding on Holston Road and had also received complaints

about large trucks and tractor-trailers using Holston Road as a shortcut through town. We have begun our review on this inquiry and would note that the existing speed limit on Holston Road between Fourth Street and Cove Road is 35 miles per hour. This appears to be a reasonable speed limit on this section of road because the geometrics of the road can reasonably accommodate this speed. With regard to the truck traffic using Holston Road, it has been suggested that we post it for "No Through Trucks." We realize, of course, that there are certain trucking operations associated with the Asbury Center in the delivery of supplies. Obviously, trucks delivering to the Asbury Center have a destination and, therefore, would not be considered a through truck. Before proceeding with any new signage for Holston Road, we thought it may be helpful to solicit comments from residents in this area to determine if there are any problems with which we are not familiar. Otherwise, our Committee will be in a position to make a recommendation at the next meeting of Council.

William B. Weisiger

H. Judson Lambert