

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JANUARY 23, 2006, 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., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon P. Hackler, Town Attorney Robert P. Kaase, Police Officer Chris Irvin, Justin Harmon with Wytheville Enterprise, Mark Boenke, Jack Hunley, Dale Hahn, Michelle Garst, Paul Garst, Agnes Eades, Francesca Lunsford

RE: CALL TO ORDER, QUORUM, INVOCATION, PLEDGE

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

RE: CONSENT AGENDA

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of January 9, 2006; the request of the Wythe County Technology Center for issuance of a raffle permit for 2006; the request of the Wythe County Board of Supervisors for waiver of fee for use of the Community Center on February 28, 2006, for an employee service award luncheon; the request of the Wytheville Women's Club for waiver of fee for use of the Community Center on November 17-19, 2006, for their annual craft show; and, the request of the eighth grade at Scott Memorial Middle School for a raffle permit for 2006. Mayor Crewe explained that he would guess that the request for this raffle permit is on behalf of the entire Scott Memorial Middle School and not just the eighth grade. A motion was made by Vice-Mayor King and seconded by Councilman Jones to approve the consent agenda consisting of the minutes of the regular meeting of January 9, 2006; the request of the Wythe County Technology Center for issuance of a raffle permit for 2006; the request of the Wythe County Board of Supervisors for waiver of fee for use of the Community Center on February 28, 2006, for an employee service award luncheon; the request of the Wytheville Women's Club for waiver of fee for use of the Community Center on November 17-19, 2006, for their annual craft show; and the request of the Scott Memorial Middle School for a raffle permit for 2006. 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 most people indicated on the sign up sheet that they only wanted to speak, if necessary, or they did not want to speak. He advised that if anyone has changed their mind, the Council will be glad to hear from them. Mayor Crewe indicated that if anyone wants to speak later, he would be glad to give them the opportunity. There being no one who desired to address the Council, he proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The Council has been given a draft of a resolution that Town staff received this Friday afternoon from the Department of Transportation. As the Council knows, in October 2005, a public hearing was conducted to hear citizens' comments with regard to the proposed roadway that is known as the Connector Road that goes from Peppers Ferry Road to Lithia Road. This project has been on hold by VDOT for a number of years because of the lack of funding, and it is now back into the system, and, hopefully, construction will commence. Under the Department's rules, after the public hearing is conducted, the Council has to adopt a resolution stating that they still want to go forward with the project, and once the project is over, the Town wants the Department of Transportation to convey the right of way to the Town. This is the nature of this resolution. Mayor Crewe advised that the Council has the resolution before them that follows the standard form the Town has used in the past for these sorts of things. A motion was made by Councilman Weisiger and seconded by Councilman Lambert to

adopt the resolution from the Virginia Department of Transportation regarding the Connector Road. Mayor Crewe inquired if there is any discussion on the motion. Town Manager Sutherland indicated that Mayor Crewe is correct in that the Council has adopted a resolution almost exactly like this, but the only difference is it had the public hearing date from a previous year. Mayor Crewe advised that this reflects the October 19, 2005, public hearing. Town Manager Sutherland noted that is correct. Mayor Crewe inquired if there is any other discussion. 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.

2. The Public Works Committee will not meet on Tuesday, January 24, 2006, but the Budget and Finance Committee will meet on Thursday, January 26, 2006.
3. Next Monday evening, the Joint Governing Bodies will meet at the County Office Building at 7:00 p.m.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Jones, reporting for the Budget and Finance Committee, reported that Town Treasurer Michael Stephens met with the Committee last week requesting the Council to take action to write off certain delinquent taxes. He noted that the Code of Virginia requires that certain delinquent taxes be taken off the Town's books after certain periods of time. Councilman Jones advised that real estate taxes and miscellaneous assessments such as mowing are to be taken from the Town's accounts after twenty years. He explained that currently, there are \$111.00 of 1985 mowing assessments that need to be written off. Councilman Jones stated that this year for the first time in many, many years, there are no real estate taxes to be written off. He stated that Mr. Stephens also reported that there will be no real estate taxes written off next year either, since he has collected all of the 1986 real estate assessments. He advised that personal property and mobile home taxes are required to be written off after five years. Councilman Jones indicated that this year there is \$1,328.55 of 2000 personal property/mobile home taxes that needs to be written off the Town's books. He stated it is the recommendation of the Budget and Finance Committee that the Council authorize the Town Treasurer to write off the above identified delinquent taxes. A motion was made by Councilman Jones and seconded by Vice-Mayor King to authorize the Town Treasurer to write off \$111.00 of 1985 mowing assessments and to write off \$1,328.55 of 2000 personal property/mobile home taxes. 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.

Councilman Jones also reported that recently, the Committee was advised that the Town Code does not provide specific regulations prohibiting public urination and defecation. He stated that currently, a person who is charged with performing one of these acts would be charged with indecent exposure. Councilman Jones indicated that the charge of indecent exposure is not necessarily descriptive of the action of public urination or defecation. He explained that many communities around the state have developed separate regulations concerning public urination and defecation. Councilman Jones pointed out that the charge of indecent exposure may well have the connotation of a sexual offender type of offense. He stated that while neither of these types of actions is acceptable, it does seem reasonable that the acts of public urination and defecation be distinguished from indecent exposure. Councilman Jones remarked that the Committee has developed a draft of the language to be incorporated into the Town Code, and, hopefully, they will present this at the next meeting of Council. He advised that secondly, the Committee has learned that the Town Code does not provide any specific penalties for curfew violations of juveniles. Councilman Jones indicated that the Committee discussed this issue with the Police Department, and they have recommended that the penalty for violations of curfew be the requirement of the convicted juvenile performing certain amounts of community service work. He stated that according to the Police Department, juveniles find public service work far more rigorous punishment than the mere payment of a cash fine. Councilman Jones remarked that, likewise, the Committee has a draft of these Code revisions, and, hopefully, will have it available for the Council's review at the next meeting. Mayor Crewe stated that he would point out that both of these revisions to the Town Code are in conjunction with the Commonwealth Attorney's Office, and these are concerns raised by them as well. 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, stated that over the past couple of weeks, the Committee has reviewed several subdivision plats that have been submitted seeking approval. He noted that these subdivision plats have, likewise, been reviewed by the Planning Commission. Councilman Lambert indicated that the first plat that the Town reviewed is the proposed subdivision of the Crowgey property situated on the east side of North Fourth Street, lying generally between Tazewell Street and Interstate 81. He stated that these 28.5 acres of property currently house Builders Super Market, two residential dwellings, and a large section of land currently being used for agriculture. Councilman Lambert advised that this property is currently zoned B-2 Business, and, therefore, there are no zoning issues involved in the request for subdivision. He explained that the developer, The Crown Companies, LLC, proposed to divide this 28.5 acre property into several parcels ranging in size from .86 acres to the largest tract, which would contain 17.6 acres. Councilman Lambert noted that the proposal involves the slight relocation of Tazewell Street where it intersects with North Fourth Street. He remarked that the Planning Commission found the preliminary schematic submitted by the developer to be acceptable and has authorized them to proceed with more detailed design work. Mayor Crewe indicated that he would point out for anyone who is interested that the diagrams that have been submitted are on the board located at the back of the Council Chambers, if they desire to view them. He stated that this does not require an action by the Council, but this is what is in the works.

Councilman Lambert advised that secondly, the Town has reviewed the proposed subdivision of property by the Unlimited Construction Company, Incorporated, for property situated on the north side of East Main Street between the K-Mart shopping center and the Appalachian Power Company substation. He explained that this subdivision was reviewed last year and is generally known as the High Meadows planned unit development. Councilman Lambert stated that this site contains slightly more than 7.5 acres of property and will contain seven separate buildings in which there will be from five to ten apartments in each building. He remarked that the subdivision plat that was presented to the Planning Commission only has slight variations from the subdivision proposed last year, and the Planning Commission, likewise, approved the final layout of this proposed project. Councilman Lambert explained that no action is required of the Council at this time concerning the Crowgey property, but the Committee did want to note that this proposed subdivision will soon be the subject of Council action. He stated that later in the meeting, the Council will take action on the recommendation of the Planning Commission for the High Meadows planned unit development, and it would be the recommendation of the Public Works Committee that the Council approve the High Meadows Project.

Councilman Lambert also reported that last week, then Governor Mark Warner announced that Amcor PET Packaging will be developing a bottling manufacturing facility in Progress Park. He noted that the new facility will create 144 new jobs and bring a \$105 million investment into Progress Park. Councilman Lambert remarked that this new bottling facility will be located immediately adjacent to the Gatorade facility, which is currently under construction. He stated that the new bottling facility will be developed in three phases, and the water consumption in the initial phase is estimated to be 205,000 gallons per day, which will increase to about 273,000 gallons per day upon completion of the third phase of the project. Councilman Lambert noted that both the Gatorade facility and the new bottling facility will be provided water by the new water line the Town has installed over the past several months. He remarked that this water line that has been installed, commonly known as the Lot 31 Water Project, is now nearing completion. Councilman Lambert remarked that the extension of the water line commenced at a point near the Edgemont Center, proceeded down the service road, under the interstate and along the new roadway into the industrial park. He advised that sewage service for both the Gatorade facility and the bottling facility will be provided by Wythe County, who is currently in the process of improving its sewer lines to serve the park. Councilman Lambert indicated that the Town is very pleased with the announcement of these new jobs and is pleased that the Town's new water line that is being constructed will serve multiple customers in Progress Park. Mayor Crewe inquired if the architectural schematics on the back of the board are for the High Meadows project, and if it is on the reverse side of the display board. He noted he thinks they are, and he stated there are several copies available if someone has something they would like to see but cannot find. Mayor Crewe remarked that most everyone attending the meeting is interested in the High Meadows project, but indicated that he believes one of the architectural renderings is on the back side of the display board so people can view it and see what is proposed. A copy of the Public Works Committee report is attached and made part of these minutes. ([Attachment](#)).

RE: APPOINTMENT – RECREATION COMMISSION

Mayor Crewe stated the next agenda item is the consideration of an appointment to the Recreation Commission to fill the student member seat. He advised that the Recreation Commission has recommended that Mr. Cameron Peel be appointed to a term beginning February 1, 2006, and ending September 30, 2006. A motion was made by Vice-Mayor King and seconded by Councilman Jones to appoint Mr. Cameron Peel as the student member to the Recreation Commission with his term commencing February 1, 2006, and ending September 30, 2006. 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: HIGH MEADOWS PLANNED UNIT DEVELOPMENT

Mayor Crewe stated the next agenda item is to consider the recommendation of the Planning Commission regarding the plans of Unlimited Construction, Incorporated for the proposed "High Meadows" planned unit development to be located on property on the north side of East Main Street between Holiday Inn property and K-Mart property in a B-2 Business Zone. He advised that the Planning Commission has recommended approval with the stipulation that it meet full technical compliance with the Town's ordinances. A motion was made by Councilman Lambert and seconded by Councilman Weisiger to approve the recommendation of the Planning Commission regarding the plans of Unlimited Construction, Incorporated for the proposed "High Meadows" planned unit development to be located on property on the north side of East Main Street between Holiday Inn property and K-Mart property in a B-2 Business Zone with the stipulation that the plans meet full technical compliance with the Town's ordinances. Mayor Crewe stated it comes as a motion from the Public Works Committee to approve the recommendation of the Planning Commission, which is to approve the plans with the stipulation that they meet full technical compliance. He inquired if there is any discussion on the motion. Mayor Crewe inquired if anyone in the audience desired to address the Town Council regarding this matter, but advised that no one has to speak, but the Council will, certainly, be glad to hear from those who are affected and want to be informed. Town Manager Sutherland advised that Mr. Mark Boenke is the project engineer if there are specific questions. Mayor Crewe inquired if there are any questions from anyone. There being no questions or 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., 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 (7:20 p.m.).

Trenton G. Crewe, Jr., Mayor

Sharon P. Hackler, MMC, Clerk of Council

BUDGET AND FINANCE COMMITTEE REPORT

JANUARY 23, 2006

1. Town Treasurer Michael Stephens met with our Committee last week requesting the Council to take action to write off certain delinquent taxes. The Code of Virginia requires that certain delinquent taxes be taken off the Town's books after certain periods of time. Real estate taxes and miscellaneous assessments such as mowing are to be taken from the Town's accounts after twenty years. Currently, there are \$111.00 of 1985 mowing assessments that need to be written off. This year for the first time in many, many years, there are no real estate taxes to be written off. Mr. Stephens also reported that there will be no real estate taxes written off next year either, since he has collected all of the 1986 real estate assessments. Personal property and mobile home taxes are required to be written off after five years. This year there is \$1,328.55 of 2000 personal property/mobile home taxes that needs to be written off the Town's books. It is the recommendation of the Budget and Finance Committee that the Council authorize the Town Treasurer to write off the above identified delinquent taxes.
2. Recently, our Committee was advised that the Town Code does not provide specific regulations prohibiting public urination and defecation. Currently, a person who is charged with performing one of these acts would be charged with indecent exposure. The charge of indecent exposure is not necessarily descriptive of the action of public urination or defecation. Many communities

around the state have developed separate regulations concerning public urination and defecation. The charge of indecent exposure may well have the connotation of a sexual offender type of offense. While neither of these types of actions is acceptable, it does seem reasonable that the acts of public urination and defecation be distinguished from indecent exposure. Our Committee has developed a draft of the language to be incorporated into the Town Code, and, hopefully, we will present this at the next meeting of Council.

Secondly, we have learned that the Town Code does not provide any specific penalties for curfew violations of juveniles. We discussed this issue with the Police Department, and they have recommended that the penalty for violations of curfew be the requirement of the convicted juvenile performing certain amounts of community service work. According to the Police Department, juveniles find public service work far more rigorous punishment than the mere payment of a cash fine. Likewise, we have a draft of these Code revisions, and, hopefully, will have it available for the Council's review at the next meeting.

Jacqueline K. King

John W. Jones, Jr.

PUBLIC WORKS COMMITTEE REPORT

JANUARY 23, 2006

1. Over the past couple of weeks, our Committee has reviewed several subdivision plats that have been submitted seeking approval. These subdivision plats have, likewise, been reviewed by the Planning Commission. The first plat that we reviewed is the proposed subdivision of the Crowgey property situated on the east side of North Fourth Street, lying generally between Tazewell Street and Interstate 81. These 28.5 acres of property currently house Builders Super Market, two residential dwellings, and a large section of land currently being used for agriculture. This property is currently zoned B-2 Business, and, therefore, there are no zoning issues involved in the request for subdivision. The developer, The Crown Companies, LLC, proposed to divide this 28.5 acre property into seven parcels ranging in size from .86 acres to the largest tract, which would contain 17.6 acres. The proposal involves the slight relocation of Tazewell Street where it intersects with North Fourth Street. The Planning Commission found the preliminary schematic submitted by the developer to be acceptable and has authorized them to proceed with more detailed design work.

Secondly, we have reviewed the proposed subdivision of property by the Unlimited Construction Company, Incorporated, for property situated on the north side of East Main Street between the K-Mart shopping center and the Appalachian Power Company substation. This subdivision was reviewed last year and is generally known as the High Meadows planned unit development. This site

contains slightly more than 7.5 acres of property and will contain seven separate buildings in which there will be from five to ten apartments in each building. The subdivision plat that was presented to the Planning Commission only has slight variations from the subdivision proposed last year, and the Planning Commission, likewise, approved the final layout of this proposed project.

No action is required of the Council at this time concerning the Crowgey property, but we did want to note that this proposed subdivision will soon be the subject of Council action. Later this evening the Council will take action on the recommendation of the Planning Commission for the High Meadows planned unit development, and it would be the recommendation of the Public Works Committee that the Council approve the High Meadows project.

2. Last week, then Governor Mark Warner announced that Amcor PET Packaging would be developing a bottling manufacturing facility in Progress Park. The new facility will create 144 new jobs and bring a \$105 million investment into Progress Park. This new bottling facility will be located immediately adjacent to the Gatorade facility, which is currently under construction. The new bottling facility will be developed in three phases, and the water consumption in the initial phase is estimated to be 205,000 gallons per day, which will increase to about 273,000 gallons per day upon completion of the third phase of the project.

Both the Gatorade facility and the new bottling facility will be provided water by

the new water line the Town has installed over the past several months. This water line that has been installed, commonly known as the Lot 31 Water Project, is now nearing completion. The extension of the water line commenced at a point near the Edgemont Center, proceeded down the service road, under the interstate and along the new roadway into the industrial park. Sewage service for both the Gatorade facility and the bottling facility will be provided by Wythe County, who is currently in the process of improving its sewer lines to serve the park.

We are very pleased with the announcement of these new jobs and are pleased that our new water line that is being constructed will serve multiple customers in Progress Park.

William B. Weisiger

H. Judson Lambert