

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, JULY 25, 2016, AT 7:00 P.M.**

Members present: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, Thomas F. Hundley, Joseph E. Hand, Jr.

Others present: Town Manager C. Wayne Sutherland, Jr., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon G. Corvin, Marie B. Bishop, Beth Taylor, Heather Kapranos, Andy Kegley, Danny Gordon with WYVE-AM/WXBX-FM/WLOY-AM, Police Officer Lonnie Anders

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

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

**RE: CONSENT AGENDA**

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of July 11, 2016, and the request of the Wythe-Bland Animal Welfare League for the issuance of a raffle permit for 2016. He inquired of the Council if there was a motion to approve the consent agenda together as presented or to somehow be amended. A motion was made by Vice-Mayor King and seconded by Councilman Weisiger to approve the consent agenda consisting of the minutes of the regular meeting of July 11, 2016, and the request of the Wythe-Bland Animal Welfare League for the issuance of a raffle permit for 2016, as presented. Mayor Crewe inquired if there was any discussion on the motion to approve the consent agenda, as presented. There being none, the motion was approved with the following voting in favor of and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, Thomas F. Hundley, Joseph E. Hand, Jr. Against: None.

**RE: PUBLIC HEARING – PROPOSED TOWN CHARTER CHANGE**

Mayor Crewe advised the meeting constituted a public hearing (due notice having been given) to consider an amendment to the Town Code, Part I. Charter, Section 2. Council generally, that will state, "Vacancies in the office of mayor or on council shall be filled by majority vote of the remaining members, and the person so elected shall serve the remainder of the unexpired term." He explained the way this will work is if the Council takes action later in the meeting, the Council will ask the State Legislature to grant an amendment to the Town Charter concerning the vacancy on either the Mayor's seat or any Council member. Mayor Crewe noted that the difference would be that what the Town currently has states that the Council appoints a person to serve until the next election. He noted, however, what the Council is requesting is that they be able to appoint a person who would serve the remainder of the term. Mayor Crewe noted that no one on the sign in sheet indicated they wished to speak in regard to the public hearing, however, if they would like to speak, the Council would be glad to hear from them at this time. He explained that he would reserve the right to reopen the public hearing if anyone comes in later during the meeting who wished to address the Council in regard to the public hearing. There being no one who wished to speak during the public hearing, Mayor Crewe declared the public hearing closed, and he proceeded with the agenda.

**RE: CITIZENS' PERIOD**

Mayor Crewe advised the next agenda item is Citizens' Period. He thanked the citizens for attending the meeting. He noted that no one had indicated on the sign in sheet that they wished to address the Council, but if anyone wished to do so, they could at this time. There being no one to address the Council during Citizens' Period, Mayor Crewe proceeded with the agenda.

**RE: OLD BUSINESS**

Under Old Business, Town Manager Sutherland reported the following:

1. The next Council Work Session will be held on Tuesday, July 26, 2016, at 7:00 a.m.
2. The Joint Industrial Development Authority of Wythe County will meet on Thursday, July 28, 2016, at 3:00 p.m., in the Council Chambers.
3. The Willow Brook Jackson/Umberger Homestead Museum Advisory Board will meet on Thursday, July 28, 2016, at 10:00 a.m., in Conference Room A of the Town of Wytheville Municipal Building.

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

Councilman Weisiger, reporting for the Budget and Finance Committee, stated that earlier in the meeting, the Council conducted a public hearing to receive comments on a proposed change to the Town Charter that revises the method by which vacancies on Council are filled. He noted, currently, the Charter provides that vacancies in the office of mayor or on council shall be filled by majority vote of the remaining members, and the person so elected shall serve the remainder of the unexpired term provided that the term is not more than three years before the next Council election. Councilman Weisiger explained that what is being proposed at this meeting are the revisions to this language that simplify the process by allowing the Council to appoint a person to serve the remainder of the unexpired term, regardless of what period of time. He remarked that the Council thinks that this makes it far simpler to handle a vacancy on Town Council. Councilman Weisiger expressed that as everyone is aware, the Council faced this situation with the passing of Councilman Jack Hunley, and, now, the Town will be conducting a special election on August 23, 2016. He advised that it would be the recommendation of the Budget and Finance Committee that the Town Council present draft language to its members of the General Assembly and request that they present this to the General Assembly for a revision to the Town Charter. Mayor Crewe stated this is a recommendation from the Budget and Finance Committee, and nobody spoke during the public hearing. He remarked that the Council is moving quickly, however, he does not think that anyone is coming to speak. A motion was made by Councilman Weisiger and seconded by Vice-Mayor King to approve the proposed amendment to the Town Charter that will state, "Vacancies in the office of mayor or on council shall be filled by majority vote of the remaining members, and the person so elected shall serve the remainder of the unexpired term," and request Town staff to send the amendment to the members of the General Assembly to request a Charter amendment. Mayor Crewe inquired if there was any discussion on the motion to present this language to the General Assembly members to request that it be approved. 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, Thomas F. Hundley, Joseph E. Hand, Jr. Against: None.

Councilman Weisiger, also, reported that Section 12-91 of the Town Code establishes regulations concerning the cutting of grass, weeds, vegetation or other foreign growth from the property. He stated that last August, the Council amended this section to provide that mowing must occur three times per year in most locations. Councilman Weisiger explained that the ordinance established that the mowing should occur once before May fifteenth, once before July fifteenth and once before August fifteenth. He commented that the Council believes that it was intended that the time period now labeled August fifteenth should have been designated as September fifteenth. Councilman Weisiger advised that as such, it would be the recommendation of the Budget and Finance Committee that the Council adopt Ordinance No. 1310 revising this third mowing period to September fifteenth. He stated it would also be the recommendation of the Budget and Finance Committee that this ordinance be adopted on first and final reading and made effective immediately. A copy of the Budget and Finance Committee report is attached and made part of these minutes.

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

Councilman Hundley, reporting for the Public Works Committee, stated that at the Work Session on Tuesday, Mr. Andy Kegley, representing HOPE, Incorporated, and representatives from the Wytheville Farmers' Market provided an overview of a collaborative effort, on their part, to install a commercial kitchen in the Farmers' Market. He explained that in addition to creating the commercial kitchen space, they also proposed a multipurpose space be constructed within the existing building. Councilman Hundley commented that according to their presentation, the project would enhance the year round usefulness of the facility by also providing healthy, locally produced food in a "pay-what-you-can" restaurant setting. He remarked that, also, it would be an opportunity for students in various culinary arts classes at the Wythe County Technology Center to receive training. Councilman Hundley expressed that it was noted that to pursue this project, they intended to apply to the Wythe-Bland Foundation for grant funds to be used for these purposes. He stated the representatives sought the Council's approval to pursue the grant funds to proceed with this proposal. Councilman Hundley noted that the Public Works Committee believes it was the consensus of the Council that this project has many fine attributes and is something that could, potentially, be very valuable to its community. He remarked that the Public Works Committee would like to note that the proposal was received on Tuesday, July 19, 2016, (with the application deadline being August 1, 2016) and there were not any specific details about architectural features or other operational matters, such as governance of the building, payment for utilities, etc. Councilman Hundley advised that it would be the recommendation of the Public Works Committee that the Council authorize Hope, Incorporated and the Wytheville Farmers' Market to seek grant funds from the Wythe-Bland Foundation for this project but would note that the Council wants to maintain final architectural approval, as well as assure that the Memorandums of Understanding needed for the operation

to move forward are developed. He stated it is the Public Works Committee's understanding that if the grant should be awarded to these organizations, they would need to accept or reject the grant funds by October 15, 2016. Councilman Hundley explained that the Public Works Committee would hope that during this period of time, they could provide the Council with sufficient architectural information and the development of other operational agreements before the deadline in October. A motion was made by Councilman Hundley and seconded by Councilman Hand to authorize HOPE, Incorporated and the Farmers' Market to seek grant funds from the Wythe-Bland Foundation to construct a commercial kitchen in the Farmers' Market building with the stipulation that the Council will have the final architectural approval and assure that Memorandums of Understanding are developed for the operations, if the grant funds are received and final approval is given from the Town. Mayor Crewe commented that the motion from the Public Works Committee is to authorize HOPE, Incorporated and the Farmers' Market to seek the grant funds. Mayor Crewe inquired if there was any discussion on the motion to authorize HOPE, Incorporated and the Farmers' Market to seek the grant funds. Mayor Crewe inquired if Mr. Kegley would like to add any comments. He noted that he is certainly welcome to, if he would like. Mr. Kegley declined to speak. There being no further discussion, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, Thomas F. Hundley, Joseph E. Hand, Jr. Against: None.

Councilman Hundley, also, advised that as it was reported at the last meeting of Council, the Town has awarded a contract to DCI/Shires, Incorporated for the Downtown Wytheville Improvements Project. He explained that the Notice to Proceed was issued to the contractor last Monday, and it is anticipated that the contractor will be performing work this week. Councilman Hundley noted that prior to the commencement of the activities, the Town held a preconstruction conference with DCI/Shires, Incorporated. He explained that the contractor understands that he needs to work closely with the Town and all of the property owners to maintain as much vehicle and pedestrian access as possible. Councilman Hundley stated, also, it was discussed where their equipment and materials would be stored during the project. He noted that the Town wants to eliminate the storage of materials on properties along Main Street to the fullest extent possible. He commented that the Town also used this opportunity to invite property owners of this initial work zone to meet with representatives of the Town and contractor. Councilman Hundley explained that the initial work zone will be on the north side of Main Street between Fifth Street and First Street. He remarked that during each segment of the project, and each segment will be approximately three blocks, there will be a meeting with all of the property owners to explain what the contractor is getting ready to do and to discuss any particular issues or problems that the contractor and the Town should be aware of. Councilman Hundley stated the work on the project will be on one side of the street at a time, and when the north side is complete, work will commence on the south side of Main Street. He noted that the Town is making every effort to assist property owners during this construction period. Councilman Hundley advised that there is no action needed by the Council, and the Public Works Committee merely wanted to provide this as a point of information. A copy of the Public Works Committee report is attached and made part of these minutes.

Mayor Crewe commented that he was aware of some machinery in town that appeared over the weekend, therefore, the work should be getting ready to begin. Vice-Mayor King inquired as to where the machinery had been placed. Mayor Crewe commented that what he saw was in the gravel lot off of Church Street.

#### **RE: ORDINANCE 1310**

Mayor Crewe presented Ordinance No. 1310, an ordinance amending and reenacting Chapter 12, Solid Waste Collection and Disposal, Article VI. Condition of Premises, Division 2. Removal of Weeds, Etc., Section 12-91. Duty of Owner of Property, of the Code of the Town of Wytheville, on first reading. He explained that this ordinance comes to the Council by the recommendation of the Budget and Finance Committee that basically would change the August 15 mowing deadline to be moved back a month and be effective September 15. A motion was made by Councilman Weisiger and seconded by Vice-Mayor King to suspend the rules and adopt Ordinance No. 1310, an ordinance amending and reenacting Chapter 12, Solid Waste Collection and Disposal, Article VI. Condition of Premises, Division 2. Removal of Weeds, Etc., Section 12-91. Duty of Owner of Property, of the Code of the Town of Wytheville, on first and final reading. Mayor Crewe stated that the motion from the Budget and Finance Committee is that the ordinance be adopted on first and final reading so that it would be in effect immediately, which means that the mowing would not have to be done this August in a month, but, rather in two months by September 15. Mayor Crewe inquired if there is any discussion on the motion to approve the ordinance on first and final reading. There being none, the motion was approved with the following voting in favor and there being no opposition:

FOR: Trenton G. Crewe, Jr., William B. Weisiger, Jacqueline K. King, Thomas F. Hundley, Joseph E. Hand, Jr.

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1310 was adopted on first and final reading. He noted that all citizens will now have an extra month to get their mowing taken care of.

**RE: APPOINTMENTS – SMYTH-WYTHE AIRPORT COMMISSION**

Mayor Crewe advised the next agenda item is the appointment of a member to the Smyth-Wythe Airport Commission to fill the expired term of Mr. John R. Benham (term expired June 30, 2016). He noted that Mr. Benham is not eligible for reappointment. Mayor Crewe explained that the Council has applications for consideration enclosed in their packets. He inquired if there is a motion for an appointment to the Smyth-Wythe Airport Commission to fill Mr. Benham's seat. A motion was made by Councilman Hundley and seconded by Vice-Mayor King to appoint Mr. Brandon Elmore to the Smyth-Wythe Airport Commission for a four year term (expires June 30, 2020). Mayor Crewe inquired if there is any discussion on the motion to appoint Mr. Brandon Elmore to the Smyth-Wythe Airport Commission. There being no further discussion, the motion was approved with the following voting in favor and there being no opposition: For: Trenton G. Crewe, Jr., Jacqueline K. King, William B. Weisiger, Thomas F. Hundley, Joseph E. Hand, Jr. Against: None.

**RE: PLANNING COMMISSION RECOMMENDATION – JEN WU SPECIAL EXCEPTION PERMIT REQUEST**

Mayor Crewe advised the next agenda item is the recommendation from the Planning Commission regarding the request of Jen F. Wu for a special exception permit to construct a 24-unit apartment or condominium complex on the south side of Bob Spring Road between Nye Road and Lovers Lane, in an A-1 Agricultural District. He noted that it will be necessary for the Town Council to set a public hearing to consider this request, which could be scheduled for the August 22, Council meeting. Mayor Crewe expressed that August 22 would meet all of the necessary advertising requirements, if the Council chooses this date. He inquired if there is any opposition to scheduling the public hearing for August 22, 2016. There being no objection, it was the consensus of the Council to set a public hearing for the August 22, 2016, Council meeting at 7:00 p.m., in the Council Chambers, to consider the request of Mr. Jen F. Wu to construct a 24-unit condominium or apartment complex on the south side of Bob Spring Road between Nye Road and Lovers Lane, in an A-1 Agricultural District.

**RE: ADJOURNMENT**

There being no further business to be discussed, a motion was duly made, seconded and carried to adjourn the meeting (7:13 p.m.).

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Trenton G. Crewe, Jr., Mayor

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Sharon G. Corvin, Town Clerk

## **BUDGET AND FINANCE COMMITTEE REPORT**

**JULY 25, 2016**

1. Earlier in the meeting, the Council conducted a public hearing to receive comments on a proposed change to the Town Charter that revises the method by which vacancies on Council are filled. Currently, the Charter provides that vacancies in the office of mayor or on council shall be filled by majority vote of the remaining members, and the person so elected shall serve the remainder of the unexpired term provided that the term is not more than three years before the next Council election. What is being proposed this evening are the revisions to this language that simplifies the process by allowing the Council to appoint a person to serve the remainder of the unexpired term, regardless of what period of time. We think that this makes it far simpler to handle a vacancy on Town Council. As everyone is aware, we faced this situation with the passing of Councilman Jack Hunley, and, now, we will be conducting a special election on August 23, 2016. It would be the recommendation of the Budget and Finance Committee that we present draft language to our members of the General Assembly and request that they present this to the General Assembly for a revision to our Charter.
2. Section 12-91 of the Town Code establishes regulations concerning the cutting of grass, weeds, vegetation of other foreign growth from the property. Last August, we amended this section to provide that mowing must occur three times per year in most locations. The ordinance established that the mowing should occur once

before May fifteenth, once before July fifteenth and once before August fifteenth. We believe that it was intended that the time period now labeled August fifteenth should have been designated as September fifteenth. As such, it would be the recommendation of the Budget and Finance Committee that we adopt Ordinance No. 1310 revising this third mowing period to September fifteenth. It would also be the recommendation of the Budget and Finance Committee that this ordinance be adopted on first and final reading and made effective immediately.

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Jacqueline K. King

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William B. Weisiger

## **PUBLIC WORKS COMMITTEE REPORT**

**JULY 25, 2016**

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Wythe-Bland Foundation for this project but would note that we want to maintain final architectural approval, as well as assure that the Memorandums of Understanding needed for the operation to move forward are developed. It is our understanding that if the grant should be awarded to these organizations, they would need to accept or reject the grant funds by October 15, 2016. We would hope that during this period of time, they could provide us with sufficient architectural information and the development of other operational agreements before the deadline in October.

2. As it was reported at the last meeting of Council, the Town has awarded a contract to DCI/Shires, Incorporated for the Downtown Wytheville Improvements Project. The Notice to Proceed was issued to the contractor last Monday, and it is anticipated that the contractor will be performing work this week. Prior to the commencement of the activities, we held a preconstruction conference with DCI/Shires, Incorporated. The contractor understands that he needs to work closely with the Town and all of the property owners to maintain as much vehicle and pedestrian access as possible. Also, it was discussed where their equipment and materials would be stored during the project. We want to eliminate the storage of materials on properties along Main Street to the fullest extent possible. We also used this opportunity to invite property owners of this initial work zone to meet with representatives of the Town and contractor. The initial work zone will be on the north side of Main Street between Fifth Street and First Street. During each segment of the project, and each segment will be approximately three blocks, there will be a meeting with all of the property



owners to explain what the contractor is getting ready to do and to discuss any particular issues or problems that the contractor and the Town should be aware of. The work on the project will be on one side of the street at a time, and when the north side is complete work, will commence on the south side of Main Street. We are making every effort to assist property owners during this construction period. There is no action needed by the Council, and we merely wanted to provide this as a point of information.

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Thomas F. Hundley

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Joseph E. Hand, Jr.