

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, AUGUST 22, 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, Robert P. Kaase, Marie B. Bishop, Terry Beamer, Polly Miller, Garnett Miller, Bill Bowen, Sam Bowen, Debora Morehead, Carl Morehead, Donald Archer, Sandy Carty, Jen Wu, Beth Taylor, Heather Kapranos, Danny Gordon with WYVE-AM/WXBX-FM/WLOY-AM, Police Officer Stanley Demers

**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 Hand.

**RE: CONSENT AGENDA**

Mayor Crewe presented the consent agenda consisting of the minutes of the regular meeting of August 8, 2016; the request of the Wythe County Department of Social Services to conduct a 5K Run on Saturday, December 3, 2016, at 10:00 a.m.; the request of Downtown Wytheville, Incorporated to conduct the 2016 Zombie Parade at 3:15 p.m. and the Zombie Run at 4:00 p.m. on Saturday, October 22, 2016, and to close Main Street from Seventh Street to Twelfth Street from 1:00 p.m. to 5:00 p.m.; and, the request of the Wytheville Fire Department to conduct the Wytheville Fire Parade on Saturday, October 15, 2016, at 7:00 p.m. He inquired of the Council if there was a motion to approve the consent agenda for all four items together or separately. A motion was made by Councilman Weisiger and seconded by Councilman Hundley to approve the consent agenda consisting of the minutes of the regular meeting of August 8, 2016; the request of the Wythe County Department of Social Services to conduct a 5K Run on Saturday, December 3, 2016, at 10:00 a.m.; the request of Downtown Wytheville, Incorporated to conduct the 2016 Zombie Parade at 3:15 p.m. and the Zombie Run at 4:00 p.m. on Saturday, October 22, 2016, and to close Main Street from Seventh Street to Twelfth Street from 1:00 p.m. to 5:00 p.m.; and, the request of the Wytheville Fire Department to conduct the Wytheville Fire Parade on Saturday, October 15, 2016, at 7:00 p.m., 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 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 – WU SPECIAL EXCEPTION PERMIT REQUEST**

Mayor Crewe advised the meeting constituted a public hearing (due notice having been given) to consider the request of Mr. 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 several citizens listed on the sign in sheet that they wished to speak in regard to the public hearing. Mayor Crewe remarked that the easiest thing to do would be to go down the sign in sheet list for those who wish to address the Council in regard to this public hearing. He advised that Mr. Bowen is listed first on the sign in sheet to speak. Mayor Crewe asked Mr. Bowen to please come to the podium and identify himself so that the minutes could be properly recorded. He thanked all of the citizens for attending the meeting.

Mr. Sam Bowen was recognized and stated that he lives at 1900 Nye Road. He thanked the Town Council for allowing him to speak. He advised that he was attending the meeting to request the Council not to approve the special exception permit request for Mr. Wu. Mr. Bowen explained that his land is across from Bob Spring Road on Lovers Lane. He noted that with Mr. Wu's proposal, the way it is now, because of the apartment complex, it will hurt the land values. Mr. Bowen expressed that, in his opinion and a few of his neighbors' opinions, they all feel the same way about the request. He commented that he would also like to state that it will lead to a lot of problems in the future for his neighbors in regard to traffic on Bob Spring Road and Lovers Lane. Mr. Bowen explained that there are already problems with traffic on Lovers Lane, occasionally, with tractor trailers coming through. He remarked that there will be an increase in traffic on those roads. Mr. Bowen stated that he would like to make it clear that he is having problems with the water runoff on Lovers Lane and Bob Spring Road. He noted that it will get worse if Mr. Wu builds his proposed apartment complex because Mr. Wu will have this complex farther down than the other complex. Mr. Bowen explained that there would be more water

runoff. He commented that the proposed apartments will also have water runoff toward Mr. Archer's land. Mr. Bowen expressed that he and his neighbors are all downhill from Mr. Wu's land where he is proposing the complex. He noted that he is only stating that he and his neighbors already have problems with runoff down Bob Spring Road and Lovers Lane, which comes across close to Ms. Carty's property, and, in the future, it will only get worse. Mr. Bowen stated that a property gets a lot of water runoff from an apartment complex of that size. He noted that he had to work on his fields last year and fix a two foot ditch that has been in the field for the last couple of years because of the water runoff. Mr. Bowen remarked that this was mentioned several years ago when Bob Spring Road was built. He commented that he thinks his father stated something about this to the Council, and, to this day, nothing has been done. Mr. Bowen expressed that the Town of Wytheville has not done anything about the water runoff during heavy rains, etc. He commented that if he had known about the last apartments that Mr. Wu built, he would have objected sooner. Mr. Bowen expressed that he would have argued the same issue that he has with this proposal. He noted that he would also like to state that he does not want their neighborhood to look like another Northwinds. Mr. Bowen remarked that he would please ask the Town Council not to approve the proposed complex on behalf of all of the neighbors on Lovers Lane. Mayor Crewe inquired if anyone had any questions for Mr. Bowen. He inquired of Mr. Bowen as to why he did not attend the Planning Commission's public hearing in regard to Mr. Wu's request. Mr. Bowen replied that he did not hear about the public hearing. Mayor Crewe thanked Mr. Bowen for his comments.

Ms. Deborah Morehead was recognized and stated that she lives at 525 Lovers Lane. She noted that she has the same concerns as Mr. Bowen. Ms. Morehead remarked that the water runoff that Mr. Bowen discussed also stands at the end of her driveway. Mayor Crewe inquired of Ms. Morehead if she is located at 525 Lovers Lane. Ms. Morehead stated that is correct. She explained that the apartments Mr. Wu is planning to build will be located on property located right beside of her house. Ms. Morehead remarked that it is proposed to be four stories high. She expressed that she is not in favor of the proposed complex. Mayor Crewe inquired if Ms. Morehead sent a letter to the Town after the Planning Commission held their public hearing. Ms. Morehead stated that is correct. Mayor Crewe inquired of Ms. Morehead if she was aware of the public hearing the Planning Commission held. Ms. Morehead advised that she was not aware of the public hearing. Mayor Crewe inquired of Ms. Morehead if she had any further comments. Ms. Morehead stated that in her opinion, the complex is going to decrease the value, especially, of her home because of the apartment complex right beside of it, if she and her husband were to ever sell their home. She remarked that nobody is going to want to buy a home with a four story apartment complex located right beside of them. Ms. Morehead reiterated that the complex would decrease the resale value of her property. Councilman Weisiger inquired as to the distance between their house and the proposed complex. Mr. Carl Morehead was recognized and stated that the distance from the edge of their house is 9,250 feet, he thinks, to their property line. He noted that Mr. Wu has a 45 foot setback to the apartment that he is planning to build. Mr. Morehead commented that it is 100 to 135 feet from the property line.

Ms. Morehead remarked that the complex will not be very far from their house. She noted that she and her husband plant a garden every year. Ms. Morehead remarked that she has had problems with Mr. Wu's first apartment complex and the people who live there. She commented that his tenants had pets, and they would just let the pets out of their apartments to roam free, instead of being on a leash. Ms. Morehead explained that the tenants' pets would come directly over to her property to her dogs. She stated that, at the time, the dog that would come over to her property was a little dog. Ms. Morehead noted that she has a big dog. She remarked that if her dog had bitten the little dog, it would have died. Vice-Mayor King advised that the Town of Wytheville does have a Dog Ordinance. Ms. Morehead commented that she could not do anything about that because the people live in the apartment complex. She noted that Mr. Wu's tenants would let their dogs out to roam free without being on a leash. Ms. Morehead reiterated that her dogs were tied. She commented that in regard to the drainage problem, she and her husband have had problems with it for years. Ms. Morehead reiterated that when it rains hard, the water is standing at the end of her driveway all the way out to the middle of the road. Ms. Morehead thanked the Town Council. Mayor Crewe thanked Ms. Morehead for addressing the Council, and inquired of the Council if anyone had any questions for Ms. Morehead. Councilman Weisiger inquired of Town Manager Sutherland if the builder is supposed to address water runoff. Town Manager Sutherland stated that is correct. He noted that this is all very preliminary in terms of planning. Mayor Crewe thanked Ms. Morehead for her comments.

Mr. Sam Bowen was recognized and stated that he would like to add something. He remarked that he knows the way Mr. Wu's apartment building currently is constructed, and it is sloped on the backside. Mr. Bowen expressed that he drove up to the apartments the other day, and at this time, the water runs toward the cornfield that is there and, also, Ms. Morehead's property. He commented that Mr. Wu's proposed apartment complex will be even closer to Ms. Morehead's house and will affect her land as far as water runoff and, also, cause more water

runoff on Bob Spring Road. Mr. Bowen explained that the Town of Wytheville, approximately one month or so ago, cleaned the ditch in front of Mr. Wu's house that he built. He noted this did nothing but bring more water to his property.

Mr. Carl Morehead was recognized and stated that he lives at 525 Lovers Lane in Wytheville. He thanked the Council for allowing him to speak. Mr. Morehead remarked that the house he and his wife have is a fairly new house, and it is in good shape. He noted that if this apartment complex goes in with the current water runoff problem, there will be a chance of his basement flooding. Mr. Morehead stated that the water runoff carries water down his driveway and washes it out. He remarked that the complex will destroy the value of his and his neighbors' homes. Mr. Morehead expressed that in regard to privacy, it will be a thing of the past with a four story building sitting right beside of his home. He inquired of the Council as to who wants to go out of their backdoor in the morning and have people staring down at them. Mr. Morehead remarked that he does not want this. He explained to the Council that he does not think the proposed location is the right place to build a complex like this. Mr. Morehead thanked the Council for listening to him, and he noted that he hoped they would consider his comments. Mayor Crewe stated that he would like to ask Mr. Morehead a question. He remarked that he is not sure if Mr. Morehead has seen the proposed plat. Mayor Crewe inquired of Mr. Morehead as to where on the plat his driveway exits. He inquired if it exits onto Lovers Lane and if it curls around. Mayor Crewe noted that if he is thinking correctly, Mr. Morehead's property is Tax Map 41-59A. He inquired of Mr. Morehead if that is the correct parcel of land he owns. Mr. Morehead noted that his property is Tax Map 41-59, and it is zoned A-1 Agricultural. He noted that the "A" on the map is where his house is located. Mayor Crewe stated that is what he was thinking. He inquired of Mr. Morehead as to where his driveway is located. Mr. Morehead explained to the Council on the plat where his driveway is located. He reiterated that if it is raining hard, the water will be standing at the end of his driveway. Mr. Morehead commented that when he states the water is standing, he means anywhere from three to eight inches deep or better. Mayor Crewe expressed that he could not figure out from looking at the one plat the location of the Morehead's driveway. He inquired if the Council had any further questions for Mr. Morehead. There being none, Mayor Crewe thanked Mr. Morehead for speaking.

Mr. Donald Archer was recognized and stated that he lives at 555 Lovers Lane. He advised that he will also be speaking on behalf of his father, who happens to be 92 years old, and is the owner of 555 Lovers Lane. Mr. Archer commented that in the next couple of weeks, the property will be listed in his name. He explained that his father does not want the proposed apartment complex either. Mr. Archer stated the property values will decrease and another concern is the kind of people the complex will bring. He inquired if the complex will be low rent apartments, etc. Mr. Archer reiterated that property values will drop. He noted that his father does not want the proposed complex. Mayor Crewe thanked Mr. Archer for speaking on behalf of his father. He inquired if the Council had any questions for Mr. Archer. There being none, he thanked Mr. Archer for his comments.

Ms. Sandy Carty was recognized and stated that she lives at 495 Lovers Lane. She remarked that her neighbors have already stated everything she is feeling. Ms. Carty noted that she owns 17 acres of property right beside of the Archers. She commented that the water does stand in the road below her house. Ms. Carty explained that there is a problem with mud being in the road all of the time. Mayor Crewe thanked Ms. Carty for her comments.

Mr. Jen Wu was recognized and stated that he lives at 585 Lovers Lane. He stated that he understands that his neighbors are upset, however, there are a couple of things that need to be clarified. Mr. Wu remarked that he believes the water problem on Lovers Lane, which he has been observing, is coming from Ms. Morehead's property because it was not properly built. He noted that the only place water runs off is from the road that was built, and it washes down into Lovers Lane. Mr. Wu reiterated that this is the only place mud comes from. He stated in regard to property value, he feels like he has the nicest house on the block, and he is not worried about his property value. Mr. Wu noted that land used for living is probably worth more than if a car just sits on it. He commented that he would not worry about the property value decreasing. Mr. Wu stated that the only person who should be upset is Ms. Morehead. He noted that he can understand her being upset. Mr. Wu explained that there are trees covering Ms. Morehead's backyard for privacy. He advised that he intends to build more fence for added privacy, when he builds the proposed apartments. Mr. Wu remarked that he thinks Ms. Morehead is worried more about the groundhog situation than anything else. He noted that the groundhogs are eating Ms. Morehead's garden. Mr. Wu expressed that the water runoff that his neighbors are concerned about should not be a problem because he would not be allowed to get a permit without proper retention. He noted, therefore, that issue will be taken care of. Mr. Wu commented that the water problem is happening on Lovers Lane, and noted that he lives right next door to this, and the mud is coming from the road that was not properly built. He noted that the mud washes down. Mr. Wu explained that how the road was built causes the rain to wash the road and the

mud to the street. Mayor Crewe stated that he is not suggesting that Mr. Wu needs to respond to this, but the only other question he wrote down that the other speakers addressed, that Mr. Wu has not addressed, is an increased traffic flow. He inquired if Mr. Wu would like to address the traffic flow. Mr. Wu stated that his neighbors should not worry about the traffic flow. He noted that there would be a 24-unit apartment complex with a two lane road. Mr. Wu remarked that he has been observing the traffic, and a 24-unit apartment complex is not going to cause a problem with the traffic flow that he can see. He stated that, mainly, he thinks Ms. Morehead does not like new neighbors, which he can understand. Mayor Crewe thanked Mr. Wu for his comments. He inquired of the Council if anyone had any questions for Mr. Wu. Councilman Hand advised that he did have one question for Mr. Wu. He stated that on the plat, it does not show adequate parking for 24 apartments, if each apartment were to have two vehicles. Councilman Hand noted that what he is stating is that there are not enough spaces for parking. Mr. Wu commented that the complex plans are not complete. He remarked that the parking is going to be underneath the complex. Vice-Mayor King inquired if the parking for his current apartment building has underground parking. Mr. Wu stated that is not correct. He noted that his current apartments were not built with underground parking. Mr. Wu explained that if he ever gets approved for the new complex, he would build the parking on a concrete podium deck with the apartments on top. He stated that his neighbors are concerned about his complex looking like Northwinds, and he does not want to say anything bad about the people who live in the Northwinds apartments, however, the people who rent from him pay full price for housing. Vice-Mayor King commented that Mr. Wu's renters are not supplemented. Mayor Crewe noted that Mr. Wu's rental property is not subsidized housing. Mr. Wu explained to everyone that some of his condominiums are going to be sold. He noted that some of the people who are interested in buying the condominiums are nice people. Mayor Crewe inquired if he is correct in that the number of parking spaces in the design would be set by the Town's Zoning Ordinance where a number of parking spaces are required. Town Manager Sutherland stated that Councilman Hand is correct, and the complex would require two parking spaces, per apartment. Mayor Crewe inquired if the parking spaces are allowed to be underneath the structure. Town Manager Sutherland stated that is correct, as long as the parking spaces are located off of the street. Mr. Wu commented that Mr. Bowen's property is so far away that he is not sure why he is so worried about the apartment complex.

Mr. Sam Bowen commented that he is worried about the proposed complex because he has to look at it every day. Mr. Wu remarked that he did not think the proposed complex could be seen from Mr. Bowen's house. Mr. Bowen stated that he thinks it will be visible from his house. He noted that when the leaves fall off of the trees, it will surely be visible. Mr. Bowen expressed that he would like to state that in regard to the water problem, if a person is closer to the way it is now where Mr. Wu is proposing the apartments, there will be more water runoff on Ms. Morehead's land. He noted that, as of now, the way the backside of Mr. Wu's proposed apartment complex is built, it is running toward the cornfield. Mr. Bowen explained that once the water runs toward Ms. Morehead's land, if the proposed apartment complex is the same as the current apartment complex, the water is going to go somewhere. He advised that the water runoff comes off of Mr. Wu's apartment building, not to mention his houses that are located on Mr. Wu's property or his sister's house. Mr. Bowen inquired of Mr. Wu if he lives in the house or if his sister lives in the house. Mayor Crewe interjected and stated that he would like to remind everyone that this is a public hearing and the comments need to be addressed to the Town Council. He noted that he understands there are two different sides of an issue and each are entitled to their opinion, but there will be order kept. Mayor Crewe advised that Mr. Wu does not have to respond to Mr. Bowen, however, he certainly may, but the Council is who needs to hear the comments. He explained that the Council is who has to make the decision. Mr. Wu inquired if anyone had more questions or comments for him. Mayor Crewe inquired of Town Manager Sutherland if he is correct in stating that the Town Zoning Ordinance addresses the water runoff, sediment control, etc. Town Manager Sutherland stated that is correct. Mayor Crewe inquired of Town staff if there have been complaints or if the Town is aware of a water problem on Lovers Lane before this meeting. Town Manager Sutherland advised that the only problem he was aware of, and noted that he is not stating that there is not a problem, was when AEP was renting the Pendleton property across the street from Mr. Wu's apartments. He noted that there were a lot of issues with mud and drainage at that point in time, however, that was in regard to AEP. Town Manager Sutherland reiterated that AEP was on the Pendleton property. He commented that other than that situation, he was not aware of a water problem. Mayor Crewe remarked that the Town could certainly ask the Public Works Department to review the area to see if there is a problem, particularly with all of the rain that the Town has had recently. Town Manager Sutherland stated that is correct, and he would instruct the Public Works Department to review this area. Mayor Crewe inquired of the Council if there were any further questions or comments for Mr. Wu. Vice-Mayor King expressed that she only had a general comment. She remarked that from what the Council has heard at this meeting, no one attending this Council meeting attended the Planning Commission's public hearing. She stated she is not sure why they did not attend because it was advertised on WYVE-AM radio she knows, but she

has asked Town Attorney Kaase if the Council can refer this topic back to the Wytheville Planning Commission. She noted that Town Attorney Kaase advised that the Council can send the topic back to the Planning Commission. Vice-Mayor King stated that she thinks that is what needs to happen. Mayor Crewe noted that the citizens stated that they did not know about the Planning Commission public hearing, however, the abutting property owners to Mr. Wu had to receive a certified letter to advise them of the meeting and what was taking place. He commented that the legal notice has been in the newspaper and on the radio, however, he is not sure why nobody showed up to the Planning Commission public hearing. Mayor Crewe remarked that he can understand the issues that have been raised at this meeting, and, obviously, there are differences in opinion. He explained that the water runoff is something that if a person is adding water to the runoff, it has to be kept onsite by the ordinances the Town has with the retention mechanisms in place. Mayor Crewe commented that in regard to the number of parking spaces, it is regulated by the Zoning Ordinance and that has to be complied with, therefore, he does not see that either of those are up for discussion. He noted that because the citizens did not attend the Planning Commission's public hearing, he was not sure if everyone is aware of the Planning Commission's recommendation to the Council, which is that the special exception permit be approved with four stipulations. Mayor Crewe advised that the recommendation states to approve the special exception permit with the following stipulations: 1.) to require the R-3 Residential Zoning District setbacks to be met, which includes the number of parking spaces and the distances around the structures; 2.) the special exception permit would be issued only to Mr. Jen Wu and the homeowners' association for the one building; 3.) the parking spaces be limited to individual spaces not directly accessible to the street; and, 4.) buffer yards be required for single family residential, which means there is more distance between, particularly, Ms. Morehead's property and Mr. Wu's property. He reiterated that all of those stipulations were included in the Planning Commission's recommendation to the Town Council, which is before them at this meeting. Mayor Crewe stated that the Council has to act on this recommendation and there are several different things the Council can do. He commented that it would seem to him that it would be a wise thing to ask the Public Works Committee to look into the water runoff because if it is not coming from the structures, and it is still a problem, then this is something the Town needs to address because he does not think this is something the Council or Town staff has heard about before this meeting. Mayor Crewe explained that, at this point, the Council is in the public hearing stage, and the subject will be a topic later on in the agenda, unless he changes the agenda to act on the recommendation immediately. He expressed that he is troubled by the fact that none of the citizens who are attending this Council meeting attended the Planning Commission public hearing because this public hearing is the second public hearing to be held. He reiterated that no one appeared at the first public hearing. Mayor Crewe stated that Ms. Morehead did send a letter afterwards, therefore, that was added after the fact. He noted that the letter is included in the information the Council has before them. Mayor Crewe advised everyone that he would encourage them to pay attention because some of these issues could have been corrected at the first public hearing. He noted that he does not understand why no one showed up for that public hearing. Mayor Crewe commented that it would behoove the citizens to pay attention as this special exception permit moves forward. He expressed that he anticipates that the Council is going to take a vote of some kind at this meeting. Mayor Crewe explained that the special exception permit may be approved, denied or resubmitted to the Planning Commission for further review. He remarked that the citizens should not miss their opportunities to make their views heard is what he is stating because that would make a lot more sense in that some of this could have been addressed before it ever got to Council for final action.

Mr. Carl Morehead stated that in response to Mr. Wu's earlier comments when the Council inquired of him about the water runoff, etc., Mr. Wu stated that he is not worried about those things. He explained that, in his opinion, this shows the Council what Mr. Wu is thinking, and that Mr. Wu does not care what his neighbors think. Mr. Morehead commented that most of those people have lived there all of their lives, which is approximately 50+ years. He remarked that those people have a right to voice their opinion, and, sometimes, Mr. Bill Bowen and Mr. Sam Bowen work from dusk until dawn. Mr. Morehead noted that he is not sure if they even get a newspaper. He stated that the Bowens do not always have a chance to break away to attend a meeting. Mr. Morehead commented that Mr. Donald Archer works and takes care of his children. He noted that he knows he does not receive a newspaper. Mr. Morehead explained that Mr. Archer does not always have the opportunity to know everything that is taking place. Mr. Morehead stated that Mr. Wu came to this country and is a very fortunate man who has things going for him, but he still needs to care about the people he chose to be his neighbors in this country. Mayor Crewe advised that he will address Mr. Morehead's comments and that he is speaking for himself and not on behalf of the Council, but he disagrees with the statement that Mr. Morehead just made. He noted that Mr. Wu does not have to care anything about anybody else, however, what Mr. Wu has to care about is what the Council will vote to allow or not to allow. Mayor Crewe expressed that it does not have to please the neighbors, it does not have to have the neighbors' permission and it does not have to make the neighborhood happy,

if the Town Council approves the special exception permit. He remarked if the Council approves this, it will happen. Mayor Crewe stated that he understands that it would be nice if everybody liked everybody and everything worked out the way everyone wanted it to. He explained that the other comment that he thinks Mr. Morehead was stating that was the basis for his inquiry is the way the Town Zoning Ordinance is written and nobody, including Mr. Wu, can build a structure that diverts water off onto another piece of property. He remarked that there are laws in place that prevent this from taking place. Mayor Crewe explained that if there is a problem on Lovers Lane, the Town did not know about it. He noted that is why he made the remark that the Public Works Department needs to go see if there is a problem. Mayor Crewe expressed that he is going to interpret what Mr. Wu stated and what Mr. Morehead stated slightly differently. He commented that he cannot make the neighborhood get along. He noted that, obviously, the neighborhood does not want the apartment complex to be approved, and this has been made very clear to him. Mayor Crewe explained that he is one of the Council members who has to vote on the subject. He expressed that all Mr. Wu has to do is comply with the requirements the Town places on him if the Town Council approves the special exception permit. Mayor Crewe stated that the parking and the water would be taken care of by the statutes of the Town. He noted that if there is already a problem, the Town needs to find out where that is coming from and try to fix it. Mayor Crewe explained that he understands people work and cannot attend meetings, but they can send a letter, call, etc., at some point during the day. He reiterated that the public hearing was advertised for several weeks, and he does not understand why no one saw the notices, but thank goodness they were made aware of it now. He advised that this is literally the final hour because it is on the Town Council agenda to vote on at this meeting. Mayor Crewe stated that he appreciates all of the citizens attending the Council meeting, and the Council will be glad to listen to anybody, and that is why public hearings are held. He noted, however, the Planning Commission is tasked by law with doing the same thing, therefore, there are opportunities to speak and some modifications could happen in between the Planning Commission meeting and the Town Council meeting. Mayor Crewe explained that the Council is in no way whatsoever trying to shut somebody out. He noted that he has been fortunate enough to know the Bowens for years, and he knows they are very hard working, and that they do not work an 8:00 a.m. to 5:00 p.m. job like some people do. He reiterated that he understands that, but there is a system in place by which anybody's opinions or comments can be received by email, letter, a telephone call, appearing at the meeting, etc. Mayor Crewe thanked the citizens for doing this. He reiterated that he is not in any way trying to shut anybody out. He commented that the Town Council would not do that because that is not how they operate. Mayor Crewe reiterated that he is really glad the citizens are attending this meeting because until 20 minutes ago, none of the Council had heard any of this. He noted that the Council is who needs to hear the comments because they have to make the decision and review the special exception permit. Mayor Crewe explained that the more people who know what the issues are, the more likelihood that those issues can be addressed. He reiterated that he appreciates the citizens attending, but the Council makes the decisions. Mr. Morehead expressed that he realizes that. Mayor Crewe commented that the citizens have raised some very valid points, however, he is only 20 percent of the Council. He noted that the Council can choose to do whatever they want to do because there are four other people to vote. Mayor Crewe remarked that he does not think anyone has raised anything that is unrelated or not important. He reiterated that the citizens have raised some valid concerns that the Council needs to discuss and address, from his point of view. Mayor Crewe commented that he appreciates the citizens doing this. He inquired if there were any further questions or comments from the Council.

Councilman Hand advised that he would like to make a couple of comments. He inquired of the citizens if it would make a difference to them if the proposed apartment complex was not planned to be so tall and a four story building, but, would they oppose a two story building. Councilman Hand inquired if that would make a difference to the citizens or would it not. Ms. Morehead remarked that it would not make a difference to her. She noted that the current apartment complex is further back from her house. Councilman Hand stated that he will state that he does not like special exception permits, and he never has liked them. He noted that he thinks the property is zoned agricultural for a reason, and he thinks that if something is zoned R-1 Residential, the property owner knows there will not be a store that locates next to their property. Councilman Hand explained that if the property is zoned R-2 Residential, the property owner knows, also, that there will not be a store that locates next to their property. He remarked, therefore, this special exception permit does not match the Comprehensive Plan, and the proposed special exception permit does not fit the Comprehensive Plan. Councilman Hand commented that he has concerns about the building himself. He explained that he really appreciates Mr. Wu's restaurant and everything that he does. Ms. Morehead noted that she and her husband appreciate the restaurant, too. Councilman Hand remarked that the proposed apartment complex abuts an M-1 Industrial Zoning District. He noted that Mr. Wu could have an industrial plant to locate next door, and he thinks when factories and people are mixed, it becomes a problem. Councilman Hand expressed that he thinks the proposed complex is too close to the industrial zoned property, plus it is not zoned properly. He advised that he

personally will not be able to support the special exception permit. Councilman Hand apologized to Mr. Wu. He noted that his decision is based on the zoning of the property and that it does not fit the Comprehensive Plan. Councilman Hand explained that it will change the value of peoples' homes, and he knows this because that is his job, and that is what he knows. He reiterated that it will change the value of the abutting property owners' homes.

Mayor Crewe inquired if Mr. Morehead had any further comments. Mr. Morehead stated that he did not have any further comments. Mayor Crewe commented that he had two other things that he needed to address before Mr. Bowen speaks. He noted that he wants to make sure everyone understands. Mayor Crewe stated that if he is understanding correctly, the Future Land Use Map shows this area as a mixed business and residential use. He noted that, by definition, the special exception permit would be exactly this use. Mayor Crewe explained that it is a variation to depart from the requirements of the Zoning Ordinance, therefore, a person will never get a special exception permit request that matches the zoning because a person would not need one if it matched it. He remarked that it would have to be something that is not allowed. Mayor Crewe commented that this special exception permit is kind of different because, right now, the property is split by an M-1 Industrial Zoning District and an A-1 Agricultural Zoning District. He reiterated that the Future Land Use Map shows the property listed as business and residential use. Mayor Crewe commented that it is not exactly noncomplying because it is residential, but the Future Land Use Map does not specify between multifamily or single family. He noted that it only states residential. Mayor Crewe advised that there is more to it in the recommendation from the Planning Commission. He commented that having stated that, he would give Mr. Bowen the chance to speak. Mayor Crewe asked that Mr. Bowen please come forward to the podium so the minutes could be properly recorded.

Mr. Sam Bowen stated that he has a question for Councilman Hand, since he is in the real estate business. He noted that he knows that the house Mr. Wu built on Lovers Lane is the nicest house probably on Lovers Lane. Mr. Bowen explained that with that being said, all of that depends on what people want and the amount they have to spend. He remarked that he understands all of that. Mr. Bowen commented that he owns the property located directly across the road from Mr. Wu and all the way up through Lovers Lane. He stated that if, one day, he decided to take that land and subdivide the property, he would have to come before the Council and do the same thing that Mr. Wu is doing now. Mr. Bowen remarked that the way it is right now, if he has water runoff toward that land, it will not be of any use to anyone who would like to buy the property. Mayor Crewe noted that would be because of the water runoff. Mr. Bowen explained that, also, on the resale value of the land, and he asked Councilman Hand to correct him if he was wrong, but when there are apartment complexes around, there will not be fine houses. Mr. Bowen remarked that a realtor will not sell fine houses for a certain amount of money. He expressed that Lovers Lane is a nice neighborhood. Mr. Bowen stated that he realizes he does not have a lot of neighbors, but the ones he does have are like family. He remarked that his aspect of this situation in the future is that he will not get the value he expects to receive out of his land, if he decides to build houses on the property himself. Mr. Bowen inquired of Councilman Hand if he is correct or incorrect. Councilman Hand stated that it is possible. He noted that he cannot state for sure, but it is possible. Mr. Bowen commented that most likely around apartment complexes a person does not get top dollar value for fine houses. Mayor Crewe thanked Mr. Bowen for his comments. Mayor Crewe inquired if there were any further questions or comments. He noted that some of the citizens listed on the sign in sheet indicated that they did not wish to speak, however, if anyone had changed their mind, he would be glad to hear from them at this time. Mayor Crewe noted that he has called on everyone listed on the sign in sheet who indicated that they wished to address the Council during this public hearing. He noted that he wants to make sure that he is not missing anyone who might want to speak. Mayor Crewe inquired if any of the Council members had any other comments during the public hearing. Vice-Mayor King stated that it bothers her that the Planning Commission did not hear what the Council has heard at this public hearing because she feels like the whole scenario would have been somewhat different. She inquired of the citizens as why they did not know that the Planning Commission public hearing was taking place. Vice-Mayor King advised that notices were in the newspaper and on WYVE-AM. Mr. Bowen commented that he saw the notice in the newspaper for this public hearing. He remarked that the newspaper is where he has seen it for the last two weeks. Mr. Bowen explained that he does not go through the newspaper every day, and he noted that he does not listen to WYVE-AM. Vice-Mayor King remarked that Mr. Bowen probably knew that Mr. Wu was thinking about the proposed apartments. Mr. Bowen commented that he heard a rumor approximately two to three weeks prior to this meeting. Vice-Mayor King expressed that the Council has had this happen before, and she noted that the Council's only way to get notices out to the public is through the radio station, and she noted that Mr. Danny Gordon is excellent about getting the information on the radio, and, also the *Wytheville Enterprise* does an excellent job. She commented this is the only way the Town has to get notices out. Vice-Mayor King stated the internet is also a form of

notification. Mayor Crewe advised that there were also certified letters sent to all of the abutting property owners. He stated that Town staff would check to make sure those letters were sent.

Mr. Wu stated the building he is proposing will not affect many of the property owners on Lovers Lane. He noted that he is really more concerned with his neighbor located right next door to him. Mr. Wu remarked that if they did not show up at the other public hearing, they probably did not care. He reiterated that the Bowens property is located so far away from the proposed complex that he does not think it will affect the Bowens' property values, and, to him, it will actually increase the value with people living on the property instead of it being used for farming. Mayor Crewe inquired of Mr. Wu if all of his property fronts Nye Road. Vice-Mayor King inquired of Mr. Wu if she understood him correctly to state earlier that the plat the Council has in their packet is not complete and that he still has work to do. She noted that Mr. Wu did not word it that way, but maybe she misunderstood. Mr. Wu commented that the building is not complete, but where the building is to be located is set. Mayor Crewe inquired of Mr. Wu if everything he would be building would open onto and have access to Nye Road, and if it would not be located as far back as Lovers Lane. Mr. Wu stated that most of his traffic now goes to the other end, which is Nye Road. Mayor Crewe stated that is correct. Mr. Wu noted that from what he has been observing, in regard to water, the water might be good for the corn, in his opinion. Mayor Crewe commented that he does not think Mr. Bowen thinks so. Mayor Crewe inquired if anyone else would like to address the Council during the public hearing. There being no one else who wished to speak during the public hearing, Mayor Crewe declared the public hearing closed, and he proceeded with the agenda. He stated that he would reserve the right to rearrange the agenda because this will have to be voted on at this meeting. Mayor Crewe explained that the Council will vote on this issue soon in this meeting.

#### **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 address the Council on another topic besides Mr. Wu's special exception permit, 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, August 23, 2016, at 7:00 a.m.
2. The Town Council Special Election will be held on Tuesday, August 23, 2016, at the Fourth Street Civic Center.
3. The Joint Industrial Development Authority of Wythe County will meet on Thursday, August 25, 2016, at 3:00 p.m., in the Council Chambers.
4. The Town of Wytheville Department of Museums is introducing a new exhibit on Friday, August 26, 2016, in concert with the Smithsonian Institute, and it is called "The Way We Worked." He noted that the Department of Museums is very proud to have this available for the public to view.
5. The Joint Governing Bodies will meet on Monday, August 29, 2016, at 7:00 p.m., in the Conference Room of the Emergency Services Building located next to the E-911 Dispatch Center.
6. The Town of Wytheville Municipal offices will be closed on Monday, September 5, 2016, in observance of the Labor Day holiday, and all services will be curtailed.

#### **RE: WU SPECIAL EXCEPTION PERMIT**

Mayor Crewe advised the next agenda item, if Council does not object, will be the issuance of a special exception permit to Mr. Jen F. Wu 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 inquired if anybody had any objection to changing the order of the agenda and returning to the Committee Reports later in the meeting. It was the consensus of the Council to change the order of the agenda. Mayor Crewe advised that the Council has at least three options in regard to the Wu special exception permit. He noted that the Council has the recommendation from the Planning Commission to approve the request with the four stipulations he mentioned earlier in the meeting, the Council can reject the special exception

permit and refer it back to the Planning Commission for further review or the Council could table the request if they want to leave it in the Council's possession for a subsequent meeting. Mayor Crewe inquired if there is a motion concerning the special exception permit requested by Mr. Jen F. Wu. A motion was made by Vice-Mayor King and seconded by Councilman Hand to refer back to the Planning Commission for further review the request of Mr. 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. Vice-Mayor King noted that she did not think that the Council would be doing the Planning Commission justice if they did not refer it back because the Commission had given the request three stipulations for the Council to approve, however, the Planning Commission is not aware of the opposing side. Mayor Crewe inquired if there is any discussion on the motion. Councilman Hundley advised that he would abstain from voting due to his relationship with both parties. He noted that he does not feel like he can make an unbiased decision. Mayor Crewe stated if the motion passes and if it goes back and starts the process again, some of these issues will need to be resolved. He indicated that he would anticipate that there would be a public hearing before the Planning Commission meeting. He noted that there would at least be a meeting of the Planning Commission where the request would be considered, and he would like to instruct Town staff to advise all interested citizens attending the Council meeting of the date and time of the September Planning Commission meeting. Mayor Crewe noted that all citizens who spoke at this meeting have their addresses listed on the sign in sheet, and Town staff will advise them of the next meeting. He noted that, obviously, Mr. Wu will know when the meeting will be held. Mayor Crewe commented that it will obviously be advertised, and he encourages the citizens attending this meeting to pay a heightened attention to the advertisements, if this motion passes. He noted if the motion does not pass, which will be decided at this meeting, and if it is referred back to the Planning Commission, it is going to behoove both sides to make sure the Town has everyone well informed of what is going on and when it is going on. Mayor Crewe explained that the Planning Commission meets on the second Thursday of each month. He noted that he is not sure if the Commission will place it on September's agenda, but he feels that they probably will. Mayor Crewe expressed that the next Planning Commission meeting will be Thursday, September 8, 2016, at 6:00 p.m., if they choose to place the special exception permit on the agenda, however, they may have to advertise and place it on another meeting agenda. He reiterated that September 8 would be the Planning Commission's next meeting, if the Council's motion passes. Mayor Crewe inquired if there is any other discussion on the motion. He noted there is one abstention from Councilman Hundley, which leaves four other votes. Mr. Danny Gordon inquired of Mayor Crewe if he could ask Town Attorney Kaase a question. Mayor Crewe stated Mr. Gordon could inquire of Town Attorney Kaase, and Town Attorney Kaase may or may not answer, but he could ask. Mr. Gordon stated that, as he understands, in order to abstain from voting, a member has to have a conflict of interest and not just because the member knows people. He commented, therefore, his inquiry is if Councilman Hundley's abstention is a valid abstention because, as he understands Parliamentary Procedure, there has to be a conflict and not anything else. Mr. Gordon stated that an example would be if Mayor Crewe would have represented Mr. Wu in court, etc. Town Attorney Kaase expressed that he is comfortable in taking questions from the public, however, he does not work for the public, but he works for the Town. Town Attorney Kaase remarked that if the Town wants an opinion, he would be glad to render an opinion. Mayor Crewe inquired of Town Attorney Kaase if the explanation for abstaining from voting given by Councilman Hundley is sufficient in his opinion. Town Attorney Kaase advised that he has grave concern about Councilman Hundley's explanation. Councilman Hundley inquired of Town Attorney Kaase for what reason. He remarked that he did not feel like with his work place, he should be voting for the special exception permit in Council. Vice-Mayor King expressed that Councilman Hundley would only be voting for the special exception permit to be referred back to the Planning Commission. Councilman Hundley advised that he is abstaining from voting on the referral back to the Planning Commission and the Planning Commission recommendation. Mayor Crewe commented that he would try to interpret what Councilman Hundley is stating and if Councilman Hundley has one or more of the citizens attending this meeting insured with his business, and noted he will defer to Town Attorney Kaase, but he is not so sure that gives Councilman Hundley what the State of Virginia recognizes as a conflict. He noted that the reason he is stating this is because he does not think Councilman Hundley determines whether it is insured or not insured or the amount handled by State Farm Insurance and it is not Councilman Hundley's personal control, therefore, he understands that Councilman Hundley may lose two to 50 insured clients because of the way he votes, but it would be his opinion this does not constitute a personal conflict with Councilman Hundley. Mayor Crewe stated that he would defer to Town Attorney Kaase if he thinks that statement is not correct. Town Attorney Kaase advised that he does not think Mayor Crewe is incorrect. He remarked that he would return to Councilman Hundley's remarks and that he "knew both sides." Town Attorney Kaase expressed that this was his greatest concern, and, unfortunately, one part of the work that Councilman Hundley agreed to take on when he was elected to Town Council is to make decisions. He noted that some of those decisions are difficult because as the Council knows in a close

community like this one, there are not just two sides but all sides. Mayor Crewe explained that he is relying on the Conflict of Interest Laws that basically state a person has to have \$5,000 per year personal loss or gain as a result of the conflict or more than three percent of some business that causes the conflict. He noted that he thinks Town Attorney Kaase is correct, and he thinks even Mr. Gordon's comment is well taken that merely knowing somebody does not give Councilman Hundley valid conflict because each Council member knows everybody most of the time. Vice-Mayor King commented that she may even have some relatives in the crowd. Mayor Crewe reiterated that he is trying to go to the financial conflict under the Conflict of Interest rules which is a \$5,000 per year personal loss or gain. He noted that if it is under \$5,000 per year, he does not think Councilman Hundley has a recognizable conflict in the State of Virginia. Councilman Hundley advised that is correct and it would not be. Mayor Crewe stated that unless Councilman Hundley states something he has not already heard, he does not think there is a conflict that would require Councilman Hundley to abstain from voting. He noted that he did not want to put Councilman Hundley in a bad situation. Councilman Hundley remarked that is acceptable, and he completely appreciated the opinion. He stated that he was only trying to be neutral in an obvious disagreement. Councilman Hundley expressed that he could definitely choose a side. Mayor Crewe apologized to Councilman Hundley. He noted that he feels like after this discussion, Councilman Hundley is no longer abstaining from the vote. Mayor Crewe inquired if there is any further discussion in referring Mr. Wu's special exception permit request back to the Planning Commission for further consideration and making sure they are aware of the comments the Council heard at this meeting and, also, making sure all interested citizens attending the Council meeting are aware of the date and time of the September Planning Commission meeting. He noted, also, Mr. Wu can be better prepared for the Planning Commission meeting. Councilman Hundley remarked that if this is the case, and he is a voting once again, he thinks the Council needs to be aware of the exact plans for the parking and what it will look like, and, also, some type of opinion of the water runoff. He noted that a Town staff member needs to tell the Council whether or not the water runoff is a problem or not. Mayor Crewe stated that he would answer Councilman Hundley in two ways. He noted that the parking is already covered by the Zoning Ordinance, and the Council can certainly ask that Mr. Wu state on the plans exactly where parking will be located. Councilman Hundley explained that the parking is not reflected on the plat as to what it looks like and the direction from where the water will flow. Mayor Crewe advised that is correct, however, water cannot flow anywhere under the current Zoning Ordinance other than into a retention pond. He noted that Assistant Town Manager Moore and Town Manager Sutherland could correct him, but a person cannot add to the flow of someone else's property when a person constructs something on their property because the ordinance does not allow that. Mayor Crewe inquired if that is correct or is he missing something. Assistant Town Manager Moore explained that a person can continue the natural flow of water at the same rate, but a person cannot increase that rate. Councilman Hundley expressed that, obviously, that is not the case if there is already a problem. Mayor Crewe explained that is why he is asking the Public Works Department to view the drainage on Lovers Lane to determine if there is a drainage problem. Councilman Hundley remarked that is part of his question is if the Council can find out from someone exactly what the issue is on Lovers Lane and is it from this apartment building. Mayor Crewe expressed that if it is, it really does not have anything to do with this proposed apartment building because this proposed apartment building cannot be causing runoff. He noted that it is not constructed yet. Mayor Crewe explained that the proposed apartment complex cannot cause additional runoff, it can keep the runoff going where it is going but not at a higher volume under the Town's sediment control ordinances. Vice-Mayor King remarked that she must have missed something because she did not hear him state that the water runoff was coming from the first apartment complex that Mr. Wu built. Councilman Hundley commented that it is the only place the runoff can come from. Mayor Crewe stated that Mr. Wu does not think it is coming from his apartments, but from across the road. Mr. Wu expressed that he built the first apartment complex, and he does not think anyone can tell him the water runoff is coming from his first apartment complex. He reiterated that he does not think anyone can tell him that. Mr. Wu explained that he built the first apartments, and none of the water goes to the other neighbors. Mayor Crewe remarked that is the way it should be under the Town's sediment control ordinance, but that is what the Council needs to see is if there is a problem. He noted that some of Mr. Wu's neighbors disagree. Councilman Hundley remarked that the Planning Commission needs to do their due diligence in letting the Council know exactly what is going to happen with that piece of property. Vice-Mayor King advised that they will, as they do with all of their reports. Mayor Crewe remarked that the Planning Commission did not know any of this information because it was just brought before the Council at this meeting. He remarked that nobody said anything about any of this at the Planning Commission meeting. Vice-Mayor King stated that is correct. Councilman Hundley remarked that is why he is asking for it to be referred back to the Planning Commission. He noted that he thinks Vice-Mayor King is correct. Vice-Mayor King stated that she feels like the Council is doing the Planning Commission an injustice by not sending it back to them with all of the complaints from this meeting. Mayor Crewe expressed that the Planning Commission members are the certified planners. Vice-Mayor King remarked that is correct, and that is what

they go to school for. She inquired of Councilman Hand if that is correct. Councilman Hand stated that is correct. Mayor Crewe inquired if there was any further discussion on the motion to refer back to the Planning Commission for further review the request of Mr. 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. 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.

Mayor Crewe advised that the motion is approved, and he would advise both sides to make sure they are prepared so they can make sure these issues are addressed by the Planning Commission because there has to be a way to resolve the issues. He thanked the citizens for their participation.

#### **RE: GARNETT AND POLLY MILLER SPECIAL EXCEPTION PERMIT REQUEST**

Mayor Crewe advised the next agenda item is the recommendation from the Wytheville Planning Commission regarding the request of Garnett and Polly Miller for a special exception permit to operate a carwash at 425 East Main Street, which is located on the south side of Main Street between Fifth and Seventh Streets, in a B-2 DT – General Business District - Downtown Zoning District. He explained that it was a nonconforming structure, but since the property has gone longer than two years without being opened, then it ceases to be a nonconforming structure, and it now has to be granted a special exception permit. Mayor Crewe commented that before this can be granted, the Town Council has to hold a public hearing and it has to be advertised. He explained the quickest the public hearing could be held would be the September 12 meeting. Mayor Crewe inquired of the Council if there were any objections to setting the public hearing for the Miller special exception permit request for the September 12 meeting. He noted that he is not suggesting that the Millers are required to speak, but since the Millers are attending the meeting, the Council would be glad to hear from them if they wish to address the Council at this meeting. Mayor Crewe expressed that the public hearing is the next step the Council has to take. He reiterated if there were objections to setting the public hearing for September 12. There being no objection, it was the consensus of the Council to set a public hearing for the September 12, 2016, Council meeting at 7:00 p.m., to consider the request of Garnett and Polly Miller for a special exception permit to operate a carwash at 425 East Main Street, which is located on the south side of Main Street between Fifth and Seventh Streets, in a B-2 DT – General Business District - Downtown Zoning District.

#### **RE: ABSTENTION FROM VOTING REQUIREMENTS**

Councilman Hundley advised Town Attorney Kaase that in regard to the inability to abstain from voting, he has a grave concern himself. He noted that the reason being is because his employer has given him specific requirements in an action plan that in an event that there is a conflict, he will abstain. Councilman Hundley expressed that he has issues with not being able to abstain from voting. He remarked that he will not lose his employment due to a land issue, but, rather, he will resign from the Town Council before he does that. Mayor Crewe expressed that he understands that, and he thinks Councilman Hundley now knows the definition of conflict. Councilman Hundley interrupted and stated that it is a conflict because he is picking one person over another and it is an issue. Mayor Crewe commented that it is not a legally recognizable conflict unless it is financial. Councilman Hundley remarked that for him, it is a financial conflict and not in regard to the customer. Mayor Crewe advised that he thinks it is unconstitutional for State Farm Insurance to tell Councilman Hundley this. Councilman Hundley stated that he has an action plan in place. Mayor Crewe expressed that he understands this, and he noted that they have discussed this, but he will defer to Town Attorney Kaase. Councilman Hundley reiterated that he has an issue with not being able to abstain from voting. He commented that he is not sure how to handle it. Vice-Mayor King expressed that maybe this needs to be resolved at another meeting. Town Attorney Kaase inquired if the Town Council would direct him to figure out the issue. Vice-Mayor King stated that the Council would like to direct Town Attorney Kaase to research the issue. Councilman Hundley stated that it is due to his securities license, his mortgage license and all of the different licenses that he holds. He explained that it is a big issue. Mayor Crewe remarked that the issue has to be a financial gain or loss, which is what the Virginia Code recognizes. Councilman Hundley commented that this is a problem. He remarked that believe him he does not want to lose his employment because of \$6,000 a year, and he will assure the Council that he will resign first. Mayor Crewe reiterated that he understands that, and neither does he. Councilman Hundley reiterated that he will resign before he loses his employment. He apologized to the Council, but he stated that he is just telling them that he had to create a specific action plan in the event of this circumstance. Mayor Crewe inquired of Councilman Hundley if the Council could ask Town Attorney Kaase to research that

and report promptly. He noted that he does not think anybody objects to Town Attorney Kaase researching this.

### **RE: WYTHEVILLE PLANNING COMMISSION 2015-16 ANNUAL REPORT**

Mayor Crewe advised the next agenda item is the Wytheville Planning Commission 2015-16 Annual Report. He noted that it is lengthy, and the Planning Commission has been busy. Mayor Crewe explained that is what the Town pays them to do, and that is what they are tasked with doing. He remarked that the Council has the Commission's objectives and goals and the steps they have taken in furtherance of those goals in their Council packets. Mayor Crewe explained that the Council also has the monthly statement of what was done in their packets, as well. He noted, particularly, if Assistant Town Manager Moore, Town Manager Sutherland or the Council would like to elaborate on anything in the report, please feel free to do so. Mayor Crewe noted that the Council can tell what the Planning Commission has been doing, and they have been busy. He inquired of the Council if there is anything in particular that needs to be highlighted, mentioned or discussed. Mayor Crewe inquired of Assistant Town Manager Moore if there was anything missing. Assistant Town Manager Moore explained that unless the Council has a specific question, there is nothing he has to add to the report. Mayor Crewe inquired of the Council if anyone has any questions or comments about the Wytheville Planning Commission's Annual Report. Vice-Mayor King expressed that the Planning Commission has been really busy, and they do their job well. Mayor Crewe instructed Assistant Town Manager Moore to thank the Planning Commission for their service. It was the consensus of the Council to approve the Wytheville Planning Commission 2015-16 Annual Report.

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

Councilman Weisiger, reporting for the Budget and Finance Committee, stated that at the last meeting of Council, the Council considered the concept of renaming streets south of the railroad, which lead to the Historic Truss Bridge property and the Reed Creek Mill property. He explained that, currently, Sixth Street, at its intersection with Calhoun Street, changes to Clay Street and then into Church Street for the remainder of the distance. Councilman Weisiger noted that the transition of these street names can be very confusing for residents and visitors when they are trying to locate addresses in this area. He expressed that the Council thinks that there is merit in considering renaming the road to Barrett Mill Road, which is the name of the road that continues once these roads lead to the corporate limits. Councilman Weisiger advised that, as such, Town staff has sent letters to 28 property owners who abut these portions of roadway to request their opinion on doing this. He remarked that the Council has requested that a comment form be submitted back to the Municipal Office by August 30, 2016. Councilman Weisiger explained that Town staff has provided a self-addressed, stamped envelope for the convenience of those submitting a response. He stated that by the first meeting in September, the Council should have the data assembled with regard to the opinion of the neighborhood and, thereafter, the Town will be in a position to make a decision. Mayor Crewe instructed Town staff to inform the Council regarding the survey results of the proposed name change for certain portions of Sixth, Clay and Church Streets. He stated that he can foresee the Council being in a situation in September when the Council has not heard anything from anyone and no one has sent in any comments and then there is an overwhelming amount of comments, etc. Councilman Weisiger remarked that it would be another situation just like this meeting. Mayor Crewe reiterated that a tally needs to be kept on how many people reply, and possibly make a point of knocking on doors or making telephone calls to make sure the 28 people know what is taking place. He commented that if the Council were to change the name of their street, they will be required to change their addresses on everything and it will be a cumbersome process for those people. Mayor Crewe explained that he appreciates what the Budget and Finance Committee had directed the Council to do, and he hopes that all of those 28 people will complete the form and return it because it has been made as easy as possible to complete. He reiterated that it takes the citizens' participation to complete the form.

Councilman Weisiger, also, reported that at the last meeting, the Council approved funding to obtain the services of Frazier Associates to perform a wayfinding program for the community. He explained that a wayfinding program will review all of the Town's existing street signs, symbols, etc. that assist traveling motorists with navigating through the community. Councilman Weisiger stated this new wayfinding program will ultimately generate the design, location, color and graphics for all signs throughout the community that will help people orientate themselves to navigate from place to place. He commented that the actual contractual arrangement with Frazier Associates will be with Downtown Wytheville, Incorporated, and the funds appropriated by the Town Council will be issued to Downtown Wytheville, Incorporated, as well. Councilman Weisiger explained that the contractual arrangement between Downtown Wytheville, Incorporated and Frazier Associates has not been completed because there are several small discussion points within the proposed contract. He noted that the Town Council anticipates that

these matters can all be negotiated within a very short period of time. Councilman Weisiger remarked that once the contract is agreed upon, it will be necessary for a "Wayfinding Task Group" to be appointed. He explained that the purpose of this task group is to look at all of the areas needing identification along with the esthetics of the whole wayfinding program. Councilman Weisiger noted, clearly, representatives from Downtown Wytheville, Incorporated and Town of Wytheville staff will need to be involved, but the Budget and Finance Committee also wants to be sure that the Town has a broad range of ideas that represent the entire community. Councilman Weisiger advised that in concert with Downtown Wytheville, Incorporated, the Town Council will be developing this task group, probably sometime in early September. 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, last week, the long awaited construction for the downtown improvements began. He commented that DCI/Shires, Incorporated began demolition work on the north side of Main Street at Fifth Street and is heading west toward First Street. Councilman Hundley noted that once the demolition work is completed in this area, they will proceed with pouring new curb and gutter, constructing sidewalks and installing conduits and other subsurface infrastructure. He explained that, fortunately, this demolition work has gone relatively well this past week, and DCI/Shires, Incorporated has worked closely with property owners along the way to accommodate their needs during this construction period. Councilman Hundley remarked that as the project moves forward, DCI/Shires, Incorporated will do a small segment of Main Street at one time until it reaches Sixth Street, at which time they will move to the south side of Main Street and proceed eastwardly. He commented that the intent here is that no long stretch of Main Street is under construction at one time. Councilman Hundley stated that the Public Works Committee realizes that there are going to be some inconveniences associated with this work, but the Committee feels that it is a valuable improvement in the downtown for the long term. He noted that, at present, there is no other action needed to be taken by the Council, but the Public Works Committee did want to acknowledge that this project, which has been discussed for many years, is finally underway. Mayor Crewe inquired of Town Manager Sutherland if there have been any reports of any big problems or anything since the construction has begun. He inquired if Town staff has heard anything. He noted that he knows sidewalks have been left unfinished in front of entrances and dug around them so that they are still accessible. Town Manager Sutherland advised that the only thing he is aware of is a couple of bricks have been broken in front of the furniture store, but other than that, he thinks everything has been fine. Mayor Crewe remarked that he is happy about that, and he is glad the construction is underway.

Councilman Hundley, also, reported that the Town's Engineering Department prepared plans and specifications for the milling and paving of various streets throughout the town. He explained that this project was publicly advertised, and there was only one respondent to the invitation to bid. Councilman Hundley remarked that W&L Construction was the low bidder with the price of \$88.08 per ton for asphalt and \$2.10 per square yard for the milling operations. He commented that this is slightly better than the Town Council anticipated, and, based on the area to be milled and the tonnage to be applied, the total expenditure is currently estimated at about \$440,000. Councilman Hundley expressed that there are usually overruns on some streets, and, as the Town works on various streets, there are oftentimes small portions of additional streets added. He stated that there is \$600,000 appropriated in the current budget for paving purposes. Councilman Hundley noted that there are a number of streets in the town that need milling and paving, and, by the time this project is completed, the Town will have expended the \$600,000 appropriated. He remarked that as a related topic, the Town Council was given notice this past week from the Virginia Department of Transportation that the Town was the recipient of grant funds for additional paving. Councilman Hundley explained that the Virginia Department of Transportation has awarded the Town \$242,000, which will be used for the repaving of East Main Street from Cassell Road to Lithia Road. He advised that this work will not be performed until the curb and gutter and sidewalk project is completed in this area. Councilman Hundley remarked that, fortunately, this will reduce the cost of that project since the paving will be paid for with these grant funds. He explained that, additionally, the Virginia Department of Transportation has awarded the Town \$21,000 to pave the portion of North Fourth Street from Commonwealth Drive to the limited access at Interstate 81. Councilman Hundley stated the Town will perform this work in the very near future, probably under the upcoming paving schedule. He advised that having said that, it would be the recommendation of the Public Works Committee that the Town accept the bid submitted by W&L Construction and execute the contract documents needed to make the project move forward. A motion was made by Councilman Hundley and seconded by Councilman Hand to approve the contract with W&L Construction for the milling and paving of various streets in town and authorize the execution of the contract documents. Mayor Crewe inquired if there is any discussion on the motion to

approve the contract with W&L Construction and execute the contract documents. 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. A copy of the Public Works Committee report is attached and made part of these minutes.

**RE: PUBLIC HEARING NOTICES**

Vice-Mayor King inquired of the Council if it would be possible to include notices of public hearings in the new water bills. She noted that she assumes the citizens attending get a Town of Wytheville water bill. Mr. Sam Bowen commented that he is not on the Town's water. Mayor Crewe expressed that this would not work for several reasons, and one would be a timing issue. Mr. Sam Bowen remarked that Town water only comes down to Bob Spring Road to Mr. Wu's and Mr. Pickett's properties. Vice-Mayor King stated that the Town needs to fix that issue. Mr. Bowen commented that it really did not need to be fixed. Vice-Mayor King noted that she thought it should be fixed.

**RE: ROOF UPDATE**

Mayor Crewe inquired of Town Manager Sutherland if he could update the Council on the Municipal Building Roof Project. Town Manager Sutherland advised that it seemed to be going rather smoothly. He noted that the roofers were just on the roof earlier this evening.

**RE: SPECIAL ELECTION**

Mayor Crewe advised that he would like to wish everyone attending this meeting good luck in the election on August 23. He reminded those citizens attending the meeting who are able to vote to please go vote in the special election. Mayor Crewe commented that it would be a long day. He wished Ms. Kapranos and Dr. Taylor good luck.

**RE: ADJOURNMENT**

There being no further business to be discussed, a motion was duly made, seconded and carried to adjourn the meeting (8:07 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**

**AUGUST 22, 2016**

1. At the last meeting of Council, we considered the concept of renaming streets south of the railroad, which lead to the Historic Truss Bridge property and the Reed Creek Mill property. Currently, Sixth Street, at its intersection with Calhoun Street, changes to Clay Street and then into Church Street for the remainder of the distance. The transition of these street names can be very confusing for residents and visitors when they are trying to locate addresses in this area. We think that there is merit in considering renaming the road to Barrett Mill Road, which is the name of the road that continues once these roads lead to the corporate limits. As such, we have sent letters to 28 property owners who abut these portions of roadway to request their opinion on doing this. We have requested that a comment form be submitted back to the Municipal Office by August 30, 2016. We have provided a self-addressed, stamped envelope for the convenience of those submitting a response. By the first meeting in September, we should have the data assembled with regard to the opinion of the neighborhood and, thereafter, we will be in a position to make a decision.
2. At the last meeting, the Council approved funding to obtain the services of Frazier Associates to perform a wayfinding program for our community. A wayfinding program will review all of our existing street signs, symbols, etc. that assist traveling motorists with navigating through our community. This new wayfinding program will ultimately generate the design, location, color and

graphics for all signs throughout the community that will help people orientate themselves to navigate from place to place. The actual contractual arrangement with Frazier Associates will be with Downtown Wytheville, Incorporated, and the funds appropriated by the Town Council will be issued to Downtown Wytheville, Incorporated, as well. The contractual arrangement between Downtown Wytheville, Incorporated and Frazier Associates has not been completed because there are several small discussion points within the proposed contract. We anticipate that these matters can all be negotiated within a very short period of time. Once the contract is agreed upon, it will be necessary for a “Wayfinding Task Group” to be appointed. The purpose of this task group is to look at all of the areas needing identification along with the esthetics of the whole wayfinding program. Clearly, representatives from Downtown Wytheville, Incorporated and Town of Wytheville staff will need to be involved, but we also want to be sure that we have a broad range of ideas that represent the entire community. In concert with Downtown Wytheville, Incorporated, we will be developing this task group, probably sometime in early September.

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Jacqueline K. King

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William B. Weisiger

## **PUBLIC WORKS COMMITTEE REPORT**

**AUGUST 22, 2016**

1. Last week, the long awaited construction for the downtown improvements began. DCI/Shires, Incorporated began demolition work on the north side of Main Street at Fifth Street and is heading west toward First Street. Once the demolition work is completed in this area, they will proceed with pouring new curb and gutter, constructing sidewalks and installing conduits and other subsurface infrastructure. Fortunately, this demolition work has gone relatively well this past week, and DCI/Shires, Incorporated has worked closely with property owners along the way to accommodate their needs during this construction period. As the project moves forward, DCI/Shires, Incorporated will do a small segment of Main Street at one time until it reaches Sixth Street, at which time they will move to the south side of Main Street and proceed eastwardly. The intent here is that no long stretch of Main Street is under construction at one time. We realize that there are going to be some inconveniences associated with this work, but we feel that it is a valuable improvement in our downtown for the long term. At present, there is no other action that is needed to be taken by the Council, but we did want to acknowledge that this project, which has been discussed for many years, is finally underway.
2. The Town's Engineering Department prepared plans and specifications for the milling and paving of various streets throughout the town. This project was publicly advertised, and there was only one respondent to the invitation to bid. W&L

Construction was the low bidder with the price of \$88.08 per ton for asphalt and \$2.10 per square yard for the milling operations. This is slightly better than we anticipated, and, based on the area to be milled and the tonnage to be applied, the total expenditure is currently estimated at about \$440,000. There are usually overruns on some streets, and, as we work on various streets, there are oftentimes small portions of additional streets added. There is \$600,000 appropriated in the current budget for paving purposes. There are a number of streets in the town that need milling and paving, and, by the time this project is completed, we will have expended the \$600,000 appropriated. As a related topic, we were given notice this past week from the Virginia Department of Transportation that the Town was the recipient of grant funds for additional paving. The Virginia Department of Transportation has awarded the Town \$242,000, which will be used for the repaving of East Main Street from Cassell Road to Lithia Road. This work will not be performed until the curb and gutter and sidewalk project is completed in this area. Fortunately, this will reduce the cost of that project since the paving will be paid for with these grant funds. Additionally, the Virginia Department of Transportation has awarded the Town \$21,000 to pave the portion of North Fourth Street from Commonwealth Drive to the limited access at Interstate 81. We will perform this work in the very near future, probably under the upcoming paving schedule. Having said that, it would be the recommendation of the Public Works Committee that the Town accept the bid submitted by W&L Construction and execute the contract documents needed to make the project move forward.

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Thomas F. Hundley

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Joseph E. Hand, Jr.

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