

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, AUGUST 13, 2018, AT 7:00 P.M.**

Members present: Beth A. Taylor, Jacqueline K. King, Joseph E. Hand, Jr., Mark J. Bloomfield, Cathy D. Pattison

Others present: Town Manager C. Wayne Sutherland, Jr., Assistant Town Manager Stephen A. Moore, Town Clerk Sharon G. Corvin, Town Attorney Christopher R. Menerick, Jeffrey Kyle, Rhonda Sechrest, Police Officer Chastity Russell

RE: CALL TO ORDER, QUORUM, PLEDGE

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

RE: CONSENT AGENDA

Mayor Taylor presented the consent agenda consisting of the minutes of the regular meeting of July 23, 2018; the request of Girl Scouts Troop 1132 to conduct a "Run Wythe Us" 5K Run on Saturday, September 22, 2018, at 8:00 a.m.; and, the request of the Wytheville Baptist Church to conduct the Annual Trunk or Treat and to close Church Street from Spring Street to Withers Road, and to close Spring Street from Church Street to Fourth Street, on Wednesday, October 31, 2018, at 6:00 p.m. A motion was made by Councilwoman Pattison and seconded by Vice-Mayor King to approve the consent agenda consisting of the minutes of the regular meeting of July 23, 2018; the request of Girl Scouts Troop 1132 to conduct a "Run Wythe Us" 5K Run on Saturday, September 22, 2018, at 8:00 a.m.; and, the request of the Wytheville Baptist Church to conduct the Annual Trunk or Treat and to close Church Street from Spring Street to Withers Road, and to close Spring Street from Church Street to Fourth Street, on Wednesday, October 31, 2018, at 6:00 p.m., as presented. Mayor Taylor 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: Beth A. Taylor, Jacqueline K. King, Joseph E. Hand, Jr., Mark J. Bloomfield, Cathy D. Pattison. Against: None.

RE: PUBLIC HEARING – REZONING OF CERTAIN PROPERTIES

Mayor Taylor advised that the meeting constituted a public hearing (due notice having been given) to consider rezoning certain properties located on the south side of Chapman Road, which are generally bounded by Norfolk Southern Railroad, Edgemont Road and Echo Valley Road, and, one parcel to the east of Echo Valley Road, from MA-1 Medical Arts and R-2 Residential to B-2 Business. She noted that no one had stated on the sign in sheet that they wished to address the Council in regard to this public hearing. Mayor Taylor inquired if there were any citizens who wished to address the Council during the public hearing for the consideration of the rezoning of certain properties. Town Manager Sutherland stated that he would like to report to the Council that Mr. Ragsdale, who is one of the property owners in the area and is representing himself, and, also, representing Mr. Sam Murdoch, was in the office today to note that they are in favor of the rezoning of the property. Mayor Taylor advised that with there being no citizens to speak regarding the proposed rezoning of certain properties, she would declare the public hearing closed and proceed with the agenda.

RE: CITIZENS' PERIOD

Mayor Taylor advised that the next agenda item is Citizens' Period. She noted that no one indicated on the sign in sheet that they wished to address the Council during Citizens' Period, therefore, she would proceed with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The Council Work Session will be held on Tuesday, August 14, 2018, at 7:00 a.m., in the Council Conference Room.
2. The Public Works Committee will meet on Wednesday, August 15, 2018, at 10:00 a.m., in the Council Conference Room.
3. The Beautification Task Force will meet on Wednesday, August 15, 2018, at 2:30 p.m., in Conference Room A of the Municipal Building.

4. The New River Regional Water Authority will meet on Thursday, August 16, 2018, at 10:00 a.m., in Austinville. He noted that if any of the Council members would like to ride with him so they can tour the facility, they are welcome to do so.
5. The Council Personnel Committee will meet on Friday, August 17, 2018, at 8:15 a.m., at the Wytheville Community Center.
6. The Joint Industrial Development Authority of Wythe County will meet on Thursday, August 23, 2018, at 3:00 p.m., in the Council Chambers.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, stated that at a recent meeting of the Willow Brook Jackson/Umberger Homestead Museum Advisory Board, there was a question with regard to the voting capacity of the ex officio members appointed by the Council. She noted that the documents created by the Advisory Board and the Council are mute to the question of whether an ex officio member has voting rights. Vice-Mayor King commented that under Robert's Rules of Order, an ex officio member does, in fact, have the right to vote unless other standards or procedures have been adopted by the organization. She explained that the Homestead Board and the Council believe that it is important for ex officio members to participate in the discussion of the Advisory Board, but that voting should be left with those appointed by the Council. Vice-Mayor King stated that, as such, both the Advisory Board and the Council would like to amend the documents to specifically note that the ex officio members of the organization do not have voting rights. She advised that it would be the recommendation of the Budget and Finance Committee that the Council adopt this amendment, and it become effective immediately. A motion was made by Vice-Mayor King and seconded by Councilwoman Pattison to approve an amendment to the Willow Brook Jackson/Umberger Homestead Advisory Board Rules for Transaction of Business. Mayor Taylor inquired if there was any discussion on the motion to adopt this amendment. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Beth A. Taylor, Jacqueline K. King, Joseph E. Hand, Jr., Mark J. Bloomfield, Cathy D. Pattison. Against: None.

Vice-Mayor King, also, reported that the Town of Marion, Virginia, recently passed a resolution to present to the Virginia State legislature requesting action in relief to the operational and emotional challenges that result from Temporary Detention Orders and Emergency Custody Orders that are created in the region. She explained that after adopting this resolution, the Town of Marion requested that all communities in Southwest Virginia adopt a similar resolution that could represent a united front to the Virginia General Assembly. Vice-Mayor King stated that, currently, State law requires that local law enforcement agencies be the transportation agents for people who are to be committed to mental health facilities because of a Temporary Detention Order or an Emergency Custody Order. She explained that by law, people who have been determined to need help must be transported to any place in Virginia that has a bed and is capable of providing service. Vice-Mayor King remarked that often, these trips require sometimes one Officer, and sometimes two Officers, to travel to distant locations in Virginia. She expressed that, frequently, the only open beds are in communities such as Northern Virginia or the Tidewater areas. Vice-Mayor King stated that the Town of Wytheville, like Marion, believes that it is unfair that the State of Virginia requires this of law enforcement agencies without any assistance or compensation for these efforts. She noted that in small departments, like those in Southwest Virginia, the loss of one or two Police Officers for multiple shifts results in hardships to the department and to the community. Vice-Mayor King commented that the Wytheville Town Council agrees with the Town of Marion and feels that a resolution endorsing these changes would be helpful. She advised that when the resolution is considered later in the meeting, it would be the recommendation of the Budget and Finance Committee that it be adopted and be sent to the Town's State legislators, as well as a copy sent to the Town of Marion. A copy of the Budget and Finance Committee report is attached and made part of these minutes.

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Bloomfield, reporting for the Public Works Committee, stated that later in the meeting, the Council will consider an ordinance that makes revisions to the Town Code with reference to excessive noise. He explained that the revisions to the Town's Noise Ordinance were brought about by a noise complaint from Town residents. Councilman Bloomfield noted that Town Attorney Chris Menerick reviewed the complaint and noticed that the Town's Noise Ordinance contained outdated language. He remarked that according to Town Attorney Menerick, the Supreme Court of Virginia ruled in 2009 that noise ordinances that contained vague and subjective requirements are invalid because citizens cannot reasonably predict what is allowable and what is not. Councilman Bloomfield stated that the revised Noise Ordinance will

include clear requirements based on type, distance and time of day that citizens can easily understand. He noted that the Council believes that it is important for citizens to understand these changes and, as such, it would be the recommendation of the Public Works Committee that the ordinance be adopted on first, but not final, reading.

Councilman Bloomfield, also, reported that at the February meeting of the Planning Commission, it was proposed that the zoning of the Edgemont property and adjacent properties, which are presently zoned MA-1 Medical Arts and R-2 Residential, be revised to a broader commercial use such as a B-2 Business District. He explained that the Town received a letter from the property owner requesting that the property be rezoned. Councilman Bloomfield commented that the property that is being considered not only includes the Edgemont property, formerly known as the Malin Hospital property, but also a portion of property owned by the Seventh Day Adventist Church. He remarked that all of the property under discussion is shown on the Future Land Use Map as business use. Councilman Bloomfield expressed that the majority of the property has frontage on Chapman Road and has interstate visibility. He stated that the rezoning of these three properties would create a continuous and contiguous B-2 Business District zone along Chapman Road. Councilman Bloomfield advised that later in the meeting, the Council will consider an ordinance which would rezone these properties, and it would be the recommendation of the Public Works Committee that the ordinance be approved on first, but not yet final, reading. A copy of the Public Works Committee report is attached and made part of these minutes.

RE: APPOINTMENTS – WILLOW BROOK JACKSON/UMBERGER HOMESTEAD MUSEUM ADVISORY BOARD

Mayor Taylor advised that the next agenda item is to consider an appointment of a member to the Willow Brook Jackson/Umberger Homestead Museum Advisory Board to fill the expiring term of Mr. Wythe Morris (term expired July 31, 2018). She explained that this appointment is for a five year term, which will expire July 31, 2023. Mayor Taylor inquired if there is a motion concerning the appointment of a member to the Willow Brook Jackson/Umberger Homestead Museum Advisory Board to fill the expiring term of Mr. Wythe Morris, who does not wish to be reappointed. A motion was made by Councilwoman Pattison and seconded by Vice-Mayor King to appoint Mr. James Hartlage to the Willow Brook Jackson/Umberger Homestead Advisory Board for a five-year term, which expires July 31, 2023. Mayor Taylor inquired if there was any discussion on the motion to appoint Mr. Hartlage to the Willow Brook Jackson/Umberger Homestead Advisory Board. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Beth A. Taylor, Jacqueline K. King, Joseph E. Hand, Jr., Mark J. Bloomfield, Cathy D. Pattison. Against: None.

RE: RESOLUTION – TEMPORARY DETENTION ORDER TRANSPORTATION

Mayor Taylor advised the next agenda item is a resolution regarding Temporary Detention Order (TDO) Transportation. She remarked that the Police Department has noted the burden that this mandatory transportation has placed upon the Town of Wytheville Police Department. A motion was made by Vice-Mayor King and seconded by Councilwoman Pattison to adopt a resolution regarding Temporary Detention Order (TDO) Transportation and requested Town staff to forward it to the appropriate individuals. Mayor Taylor inquired if there was any discussion on the motion to adopt the resolution. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Beth A. Taylor, Jacqueline K. King, Joseph E. Hand, Jr., Mark J. Bloomfield, Cathy D. Pattison. Against: None.

RE: ORINANCE NO. 1342

Mayor Taylor presented Ordinance No. 1342, an ordinance amending and reenacting Chapter 9, Offenses – Miscellaneous, by Repealing Section 9-18. Noise, under Article 1. In General, and by adding Article V. Noise, Subsection 9-110. Declaration of Policy; Subsection 9-111. Definitions; Subsection 9-112. Excessive Noise-Punishments; Subsection 9-113. Same - Specific Prohibitions; Subsection 9-114. Same-Exceptions; Subsection 9-115. Reserved; Subsection 9-116. Same-Permit for Use for Mass Outdoor Social Gathering; Subsection 9-117. Reserved; Subsection 9-118. Other Enforcement, of the Code of the Town of Wytheville, Virginia, on first reading. A motion was made by Councilman Bloomfield and seconded by Councilman Hand to approve Ordinance No. 1342, an ordinance amending and reenacting Chapter 9, Offenses – Miscellaneous, by Repealing Section 9-18. Noise, under Article 1. In General, and by adding Article V. Noise, Subsection 9-110. Declaration of Policy; Subsection 9-111. Definitions; Subsection 9-112. Excessive Noise-Punishments; Subsection 9-113. Same - Specific Prohibitions; Subsection 9-114. Same-Exceptions; Subsection 9-115. Reserved; Subsection 9-116. Same-Permit for Use for Mass Outdoor Social Gathering; Subsection 9-117. Reserved; Subsection 9-118. Other Enforcement, of the Code of the Town of Wytheville,

Virginia, on first, but not final, reading. Mayor Taylor inquired if there was any discussion on the motion to approve the ordinance on first, but not final, reading. There being none, the motion was approved with the following voting in favor and there being no opposition:

FOR: Beth A. Taylor, Jacqueline K. King, Joseph E. Hand, Jr., Mark J. Bloomfield, Cathy D. Pattison

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1342 was approved on first, but not final, reading.

RE: ORINANCE NO. 1343

Mayor Taylor presented Ordinance No. 1343, an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, to rezone certain properties located on the south side of Chapman Road, generally bounded by the Norfolk Southern Railroad, Edgemont Road and Echo Valley Road, and, one parcel to the east of Echo Valley Road, from MA-1 Medical Arts and R-2 Residential to B-2 Business, on first reading. A motion was made by Councilman Bloomfield and seconded by Councilman Hand to approve Ordinance No. 1343, an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, to rezone certain properties located on the south side of Chapman Road, generally bounded by the Norfolk Southern Railroad, Edgemont Road and Echo Valley Road, and, one parcel to the east of Echo Valley Road, from MA-1 Medical Arts and R-2 Residential to B-2 Business, on first, but not final, reading. Mayor Taylor inquired if there was any discussion on the motion to approve the ordinance on first, but not final, reading. Councilman Hand advised that he needs to abstain from voting because he has the Edgemont property listed for sale at his real estate agency. Mayor Taylor inquired if there was any further discussion on the motion to approve the ordinance. There being none, the motion was approved with the following voting results:

FOR: Beth A. Taylor, Jacqueline K. King, Mark J. Bloomfield, Cathy D. Pattison

AGAINST: None

ABSTENTIONS: Joseph E. Hand, Jr.

Ordinance No. 1343 was approved on first, but not final, reading.

RE: ORINANCE NO. 1344

Mayor Taylor presented Ordinance No. 1344, an ordinance amending and reenacting Chapter 8, Motor Vehicles and Traffic, Article V. Accidents, by adding Section 8-200. Reimbursement of Expenses Incurred in Responding to DUI and Related Incidents, of the Code of the Town of Wytheville, Virginia, on first reading. Mayor Taylor inquired if there is a motion concerning Ordinance No. 1344. A motion was made by Councilman Bloomfield and seconded by Councilman Hand to suspend the rules and adopt Ordinance No. 1344, an ordinance amending and reenacting Chapter 8, Motor Vehicles and Traffic, Article V. Accidents, by adding Section 8-200. Reimbursement of Expenses Incurred in Responding to DUI and Related Incidents, of the Code of the Town of Wytheville, Virginia, on first and final reading. Mayor Taylor inquired if there was any discussion on the motion to adopt 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: Beth A. Taylor, Jacqueline K. King, Joseph E. Hand, Jr., Mark J. Bloomfield, Cathy D. Pattison

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1344 was adopted on first and final reading.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded and carried to adjourn the meeting (7:14 p.m.).

Beth A. Taylor, Mayor

Sharon G. Corvin, CMC, Town Clerk

BUDGET AND FINANCE COMMITTEE REPORT

AUGUST 13, 2018

1. At a recent meeting of the Willow Brook Jackson/Umberger Homestead Museum Advisory Board, there was a question with regard to the voting capacity of the ex officio members appointed by the Council. The documents created by the Advisory Board and the Council are mute to the question of whether an ex officio member has voting rights. Under Robert's Rules of Order, an ex officio member does, in fact, have the right to vote unless other standards or procedures have been adopted by the organization. The Homestead Board and the Council believe that it is important for ex officio members to participate in the discussion of the Advisory Board, but that voting should be left with those appointed by the Council. As such, both the Advisory Board and the Council would like to amend the documents to specifically note that the ex officio members of the organization do not have voting rights. It would be the recommendation of the Budget and Finance Committee that we adopt this amendment, and it become effective immediately.
2. The Town of Marion, Virginia, recently passed a resolution to present to the Virginia State legislature requesting action in relief to the operational and emotional challenges that result from Temporary Detention Orders and Emergency Custody Orders that are created in our region. After adopting this resolution, the Town of Marion requested that all communities in Southwest Virginia adopt a similar resolution that could represent a united front to the

Virginia General Assembly. Currently, State law requires that local law enforcement agencies be the transportation agents for people who are to be committed to mental health facilities because of a Temporary Detention Order or an Emergency Custody Order. By law, people who have been determined to need help must be transported to any place in Virginia that has a bed and is capable of providing service. Often, these trips require sometimes one Officer, and sometimes two Officers, to travel to distant locations in Virginia. Frequently, the only open beds are in communities such as Northern Virginia or the Tidewater areas. We, like Marion, believe that it is unfair that the State of Virginia requires this of law enforcement agencies without any assistance or compensation for these efforts. In small departments, like those in Southwest Virginia, the loss of one or two Police Officers for multiple shifts results in hardships to the department and to the community. We agree with the Town of Marion and feel that a resolution endorsing these changes would be helpful. When the resolution is considered later in the meeting, it would be the recommendation of the Budget and Finance Committee that it be adopted and be sent to our State legislators, as well as a copy sent to the Town of Marion.

Jacqueline K. King

Cathy D. Pattison

PUBLIC WORKS COMMITTEE REPORT

AUGUST 13, 2018

1. Later in the meeting, the Council will consider an ordinance that makes revisions to the Town Code with reference to excessive noise. The revisions to the Town's Noise Ordinance were brought about by a noise complaint from Town residents. Town Attorney Chris Menerick reviewed the complaint and noticed that the Town's Noise Ordinance contained outdated language. According to Town Attorney Menerick, the Supreme Court of Virginia ruled in 2009 that noise ordinances that contained vague and subjective requirements are invalid because citizens cannot reasonably predict what is allowable and what is not. The revised Noise Ordinance will include clear requirements based on type, distance and time of day that citizens can easily understand. We believe that it is important for citizens to understand these changes and, as such, it would be the recommendation of the Public Works Committee that the ordinance be adopted on first, but not final, reading.
2. At the February meeting of the Planning Commission, it was proposed that the zoning of the Edgemont property and adjacent properties, which are presently zoned MA-1 Medical Arts and R-2 Residential, be revised to a broader commercial use such as a B-2 Business District. The Town received a letter from the property owner requesting that the property be rezoned. The property that is being considered not only includes the Edgemont property, formerly known as the Malin Hospital property, but also a portion of property owned by the Seventh Day Adventist Church. All of the property under discussion is shown on the Future Land

Use Map as business use. The majority of the property has frontage on Chapman Road and has interstate visibility. The rezoning of these three properties would create a continuous and contiguous B-2 Business District zone along Chapman Road. Later in the meeting, the Council will consider an ordinance which would rezone these properties, and it would be the recommendation of the Public Works Committee that the ordinance be approved on first, but not yet final, reading.

Joseph E. Hand, Jr.

Mark J. Bloomfield