

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, SEPTEMBER 24, 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, Chief of Police Rick Arnold, Wayne King, John Doyle, Alma Watson, Terry Beamer, Garnett Miller, Polly Miller, Alice Moore, Robert Moore, Virginia Smith, Richard Formato, Jerry Grubb, Kathy Grubb, Mike Forrest, Dianne Forrest, Anita Aymer, Stacey A. Pettit, Margaret Baxley, John Baxley, Melissa McWhirter, Bob McWhirter, Brian Pettit, Ann Laing, Michael Baxley, Patty Stallard, Jim Stallard, Thomas Sura, Sara Terry, Brad Terry, Bill Topping, Jeffrey Kyle, David Kause, Charlie Lester, Paul Stanley, Linda Lester, Town Police Officers, Kelly Webb, Pam Hall, Derrick Mays, Gary Roche, Mrs. Rick Arnold, Whitley Lester, Others, 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 Councilwoman Pattison.

RE: CONSENT AGENDA

Mayor Taylor presented the consent agenda consisting of the minutes of the regular meeting of September 10, 2018, and the request of Wytheville Baptist Church to close the street at 205 Church Street for their Fall Festival on Saturday, October 13, 2018, from 1:00 p.m. to 5:00 p.m. Mayor Taylor inquired if there is a motion to approve the items together or separately. A motion was made by Vice-Mayor King and seconded by Councilman Hand to approve the consent agenda consisting of the minutes of the regular meeting of September 10, 2018, and the request of Wytheville Baptist Church to close the street at 205 Church Street for their Fall Festival on Saturday, October 13, 2018, from 1:00 p.m. to 5:00 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: CITIZENS' PERIOD – CERTIFICATE OF ACCREDITATION

Mayor Taylor advised that she would like to suspend the rules, and move Citizens' Period as the next agenda item, if this is acceptable with the Town Council. It was the consensus of the Town Council to proceed with Citizens' Period. Mayor Taylor welcomed Mr. Derrick Mays, Accreditation Center Program Manager, Division of Law Enforcement, with the Department of Criminal Justice Services of Richmond, Virginia. She continued to explain what Mr. Mays' duties include. Mr. Mays was recognized and stated that it was an honor to attend the meeting. He noted that Chief Arnold helped him get his start in accreditation. Mr. Mays commented that to be accredited, it cannot be done without the support of the Town Council and the community at large. He remarked that it is not something that the Police Department can do all on their own. Mr. Mays stated that Chief Gary Roche of the Pulaski Police Department, who is the VALEPSC Commissioner, will proceed with the formal presentation. Pulaski Police Chief Roche was recognized and stated that on behalf of the Executive Board of Virginia Law Enforcement Professionals Standards Commission and the Department of Criminal Justice Services, he would like to congratulate and recognize Chief Rick Arnold and members of the Town of Wytheville Police Department for their commitment to law enforcement excellence as evidenced by the successful completion of the reaccreditation process of the Virginia Law Enforcement Accreditation Program. He continued to express his recognition of Chief Arnold and the members of the Wytheville Police Department for the Certificate of Accreditation. Chief Roche noted to the Council, Chief Arnold and the members of the Wytheville Police Department that the Police Department achieved the standards of accreditation for the fifth time, which is a total of 20 years. Mr. Mays read the Certificate of Accreditation from the Department of Criminal Justice Services for the Wytheville Police Department before it was presented to the Police Department. Chief Arnold was recognized and stated that he would like to express that this is not something that is easily accomplished without the support and help of all the members of the Police Department. He noted that in the last four years, it seemed that everyone within the Police Department had an investment in making sure that it was accredited this time. Chief Arnold remarked that the Police Department accomplished something that few agencies

accomplish and that was a perfect assessment, which gave him a lot of pride in not only the Department, but the Accreditation Team, which consists of Deputy Chief Joey Hash, Lieutenant John Claypool and Kelly Iroler Webb. He commented that he would like to recognize the efforts of the Town Council for always supporting his requests for things he has reasonably asked for the department to help serve the community in a better way. Chief Arnold thanked the Council, and the Council thanked Chief Arnold and congratulated the Wytheville Police Department. Photos were taken. Mayor Taylor thanked Mr. Mays and Chief Roche for the presentation.

Mayor Taylor inquired if there were any other citizens attending the meeting to address the Council during Citizens Period regarding any other topics other than the Watson special exception permit request.

Mr. Charlie Lester was recognized and stated that he would like to address the Council regarding the Town's policy of unoccupied properties. He commented that he is aware that in the past, the policy has been to contact the property owner and tell them that the property needs to be repaired or demolished. He stated that he discussed this issue with Councilman Hand last week, and he has thought about it. He remarked that he feels like demolition should be removed from the list, unless the structure is about to collapse. Mr. Lester continued to discuss ways to preserve unoccupied properties in town instead of demolish them. Town Manager Sutherland advised that a lot of the Town's policies are controlled by State law. Town Attorney Menerick stated that the Town's policy is not to demolish houses. He remarked that he feels like he knows where this is coming from, and that the house across the street from Mr. Lester was in a bad state of repair. Town Attorney Menerick explained that the Town sent a letter asking the homeowners to fix the home, board it up or as the last option, to demolish the property. He noted that this particular property owner elected to go directly to the last option, which was to demolish the property. Town Attorney Menerick continued to explain the Town's policy of unoccupied properties with the citizens. Vice-Mayor King commented that it is her understanding that there was a signed consent form from the property owner giving consent to demolish the property. Town Manager Sutherland stated that is correct. Discussion ensued regarding the demolition of properties in town. Councilman Bloomfield thanked Mr. Lester for addressing the Council regarding this issue, and he noted that the Council is going to do everything it can to help preserve properties instead of demolish them. Mayor Taylor thanked Mr. Lester for speaking and she noted that there was no one else attending the meeting to address the Council during Citizens' Period, therefore, she would proceed with the agenda.

PUBLIC HEARING – SPECIAL EXCEPTION PERMIT – ALMA WATSON

Mayor Taylor advised that the meeting constituted a public hearing (due notice having been given) to consider the request of Ms. Alma Watson for a special exception permit to operate a bed and breakfast at 580 Withers Road, which is located on the north side of Withers Road between Seventh and Ninth Streets, in an R-1M Residential District. She noted that as the Council is aware, Ms. Watson amended her request and withdrew only the portion regarding operating a meeting and conference center at this location. Mayor Taylor extended a warm welcome to all of the citizens, and noted to those who wished to address the Council that when their name is called, please come to the podium, state their name and address for the minutes and to please try to stay within the five minute time limit because the Council would like to listen to what everyone has to say. She commented that everyone should remember to be kind and courteous and to the point, and if someone else has already spoken in regard to the topic that they were wanting to address, then they may reference that person. Mayor Taylor explained that she would like to note that this will not affect the zoning of their homes or properties in the R-1M Residential Zoning District.

Mr. John Baxley was recognized and stated that he resides at 410 South Ninth Street in Wytheville. He noted that his home is directly across the street from Ms. Watson's home. Mr. Baxley commented that, geographically, his family would probably have the most to say about what would be going in the neighborhood and across the street. He remarked that he has met Ms. Watson, and he appreciates what she is trying to do. Mr. Baxley continued to express his thoughts regarding Ms. Watson's request. Mr. Baxley thanked the Council for allowing him to speak. Councilman Hand thanked Mr. Baxley for his comments.

Mr. Bob McWhirter was recognized and stated that he resides at 340 East Washington Street in Wytheville. He noted that he and his wife, Melissa, live approximately two or three blocks away from Ms. Watson. Mr. McWhirter advised that he and his wife continue to oppose Ms. Watson's request for a special exception permit. He remarked that he wished the Council would respect the findings of the Planning Commission a few weeks ago. Mr. McWhirter noted that at the Planning Commission meeting, a lot of good points were brought up then, and he feels that they continue to be good points. He continued to express his concerns regarding home values, etc. Mr. McWhirter advised that he and his wife, Melissa, oppose Ms. Watson's request for a special

exception permit for a bed and breakfast. He thanked the Council for allowing him to speak. Mayor Taylor thanked Mr. McWhirter for his comments.

Ms. Ann Laing was recognized and stated that she resides at 280 South First Street in Wytheville. She noted that at the Planning Commission meeting, she was the one person who spoke in favor of Ms. Watson's special exception permit request. Ms. Laing remarked that after the Planning Commission meeting, she talked with some of her friends who explained their reasoning behind their opposition of the special exception permit request. She stated that she thought that maybe she was wrong for not opposing the request, but then she began to think about all the times she stayed in bed and breakfasts all over the world. Ms. Laing continued to express all the good that comes from having a bed and breakfast located in a town. She advised that she is still in favor of Ms. Watson's request for special exception permit for a bed and breakfast. She noted that she lives on the edge of the Historical District, but not technically in the Historical District, however, she is a citizen of the town. Ms. Laing thanked the Council for allowing her to speak. Mayor Taylor thanked Ms. Laing for her comments.

Mr. Jim Stallard was recognized and stated that he lives at 585 Withers Road in Wytheville. He noted that he and his wife, Patty, purchased their home on Withers Road about 10 years ago. Mr. Stallard commented that his sister, Kay Johnson, purchased her home at 480 Withers Road in May 2017. He noted that he and his wife live directly across the street from Ms. Watson, and his sister lives two houses down on the same side of the street as Ms. Watson. Mr. Stallard advised that he is speaking in support of Ms. Watson's request for a special exception permit for a bed and breakfast for himself, his wife and his sister. He continued to express the reasons why he, his wife and his sister support Ms. Watson's request for a special exception permit for a bed and breakfast with the Council. He noted that he did obtain several signatures in favor of Ms. Watson's request for the Council's review. Mayor Taylor thanked Mr. Stallard for his comments.

Mr. Tom Sura was recognized and stated that he lives at 410 South Ninth Street in Wytheville. He commented that he does not actually know Ms. Watson very well, however, she did come over to his home to talk to him. Mr. Sura remarked that he offered to do some tree work for her because it is very expensive if a person hires someone professionally to do it. He noted that neighbors are supposed to help one another, and he cannot believe that her request for a special exception permit for a bed and breakfast is even being questioned by her neighbors. Mr. Sura inquired of Ms. Watson as to who did most of the renovations in her home. Ms. Alma Watson stated that Mr. Kevin Varney of Varney Construction. Mr. Sura remarked that Ms. Watson is already putting money back into the community by having a local construction company perform the work on her home. He continued to note to the various citizens attending the meeting the struggle he is having with understanding why everyone is opposed to Ms. Watson's request. Mr. Sura continued to express his thoughts regarding Ms. Watson's request for a special exception permit for a bed and breakfast. He stated that there should not even be a question of whether Ms. Watson should or should not be allowed to have a bed and breakfast in her home. Mr. Sura thanked the Council for allowing him to speak. Mayor Taylor thanked Mr. Sura for his comments.

Mr. Bill Topping was recognized and stated that he lives at 540 South Fifth Street in Wytheville. He remarked that he is very passionate about what he is about to state. Mr. Topping inquired of the Council if there would be a five member Council vote regarding Ms. Watson's special exception permit request for a bed and breakfast or if there would only be four members of Council voting. Mayor Taylor stated that all five members of Council would vote. Mr. Topping remarked that he has spoken to many of the Council members regarding Councilman Hand being recused from this vote. He stated that he was not aware if the Council has a procedure set up for this, and that may or may not be the reason why Councilman Hand is voting, however, he strongly objects to Councilman Hand voting in regard to Ms. Watson's special exception permit request. He continued to express to the Council members why he strongly objects to Councilman Hand voting in regard to Ms. Watson's request. He advised that Councilman Hand and his business partner contacted several people in the neighborhood about this request. Mayor Taylor thanked Mr. Topping for his comments. Councilman Hand stated that he would like to respond to Mr. Topping's comments. He noted that Mr. Topping knows where he lives, and Mr. Topping has his telephone number. Councilman Hand inquired of Mr. Topping if he has ever spoken to him about this. A discussion ensued between Councilman Hand and Mr. Topping regarding Mr. Topping's comments. Mr. Topping remarked that he believes that it is in writing that Councilman Hand used his Town email system to send an email noting the people who were against the request. Councilman Hand stated that the email was sent to Town Clerk Corvin, and it was to be made public and to be presented at the last Planning Commission meeting. He noted that it was not intended to be a secret email, and Mr. Topping is wrong by trying to make it look like he was trying to hide something. Mayor Taylor advised that the meeting would need to move forward. Mr. Topping continued to discuss the history of the Nuska

Lodge with the Council. He stated that he discussed Ms. Watson's proposal with Mr. Garnett Miller, who is against the request and would continue to be against the request out of the fear of losing the current zoning of R-1M Residential. Mr. Topping continued to discuss with the Council the reasons why he feels the neighbors are objecting to Ms. Watson's request and that is because they feel like they are going to lose their zoning, which they clearly are not, and that they feel like the Council will have to approve subsequent permits. Discussion continued regarding his thoughts about historical districts, bed and breakfasts, etc. He noted that he has a petition with over 50 signatures supporting Ms. Watson's request for a bed and breakfast. Mr. Topping thanked the Council for allowing him to speak. Mayor Taylor thanked Mr. Topping for his comments.

Mr. John Doyle was recognized and stated that he lives at 510 Withers Road in Wytheville. He noted that his wife had written a letter, which was sent to all the Council members, and he would read that letter if Mayor Taylor did not object. Mr. Doyle continued to read the letter to the Council. A copy of the letter is attached and made part of these minutes. Mr. Doyle stated his thoughts as to why he is opposed to Ms. Watson's request for a bed and breakfast. He noted that there is a website called learnairbnb.com that talks about horror stories with Airbnb guests. He remarked that they talk about theft and squatters being the most common risks. Mr. Doyle continued to express his thoughts regarding his objections to the request. He thanked the Council for allowing him to speak. Mayor Taylor thanked Mr. Doyle for his comments.

Ms. Alma Watson was recognized and stated that she lives at 580 East Withers Road in Wytheville. She commented that she honors the opportunity that she has had to get to know people in the last six weeks that she would not have known before. Ms. Watson noted that she hopes that with everything that has happened with her request, it has caused the residential zoned communities in the town to ask some very important questions. She commented that everyone needs to know that life will go on for her, if she is denied the special exception permit request. Ms. Watson explained that the petitions that her friends and neighbors have signed have made a statement about the community in standing behind her and her dreams. She commented that her dream of a bed and breakfast might get people to pause and ask themselves what they really want in the community and what are they willing to invest across the community. Ms. Watson stated that she would like to be very honest, and it is very disingenuous that a number of people welcome her to the community, but she has had one person come to state that they are glad she is here. She noted that she had initially investigated the concept of an Airbnb because they seem to make it very simple. Ms. Watson remarked that she is realizing that there is controversy around that, and it seems to her to be a more protective process that what is currently allowed in the Zoning Ordinance. She continued to express her thoughts regarding the zoning, etc. Ms. Watson thanked the Council for allowing her to speak. Mayor Taylor thanked Ms. Watson for her comments.

Mr. Richard Formato was recognized and stated that he lives at 645 East Withers Road in Wytheville. He continued to discuss with the Council when he purchased his home and how he was told that there would never be a house like Ingleside sold as a single family residence. Mr. Formato commented that in either 1997 or 1998, the R-1M Residential Zoning District was enacted. He noted that he purchased the cottage from Ms. Withers at that time. He noted that Martha Ann Withers sold him the cottage as his residence 23 years ago. Mr. Formato inquired if anyone has an active posting on Airbnb. He advised that he is an active member of Airbnb, and he earns about \$20,000 a year on Airbnb. Mr. Formato commented that he is a five star host. He noted that he is easily discoverable, and he has had as many as four of his homes on the site at any given time, including the cottage. Mr. Formato remarked that he did not know that there was an ordinance against it. He continued to explain his dealings with Airbnb with the Council. Mr. Formato stated that he likes the fact that Dr. Watson is in the neighborhood. He remarked that Nuska Lodge is one of the coolest houses on Withers Road, and he thinks it is fabulous. Mr. Formato continued to comment regarding if Ms. Watson's request is approved, how he will proceed with his Airbnb. He stated that the Council needs to decide what the land use is really going to be. Mr. Formato commented that if he had bought his house in 1996 and the zoning had been changed to R-1M Residential, he doubts very seriously he would have been successful coming in a Council meeting and stating that he just purchased the house but now he would like the house to be zoned something else. He noted that, as Mr. John Doyle explained earlier in the meeting, when a person makes a real estate purchase, that is part of due diligence. Mr. Formato remarked that he thinks that it is great that Ms. Watson is here, and he will abide by what the Council decides, but, he will say that he hopes he will get the same equal treatment under the law and will be allowed to open a bed and breakfast in a much more suitable location. He noted that the one thing he worries about with Ms. Watson is that when a person has Airbnb guests under the same roof, a person has to be very careful about their personal protection no matter if they are retired, etc. Mr. Formato continued to discuss his thoughts regarding Ms. Watson's request for a special exception permit. He noted that he welcomes Ms. Watson as his neighbor and apologizes to her that people have not been that

friendly to her. He noted that his application will be forthcoming for the Ingleside Cottage for a bed and breakfast, if Ms. Watson's application is approved because what is fair for one person is fair for another person. Mr. Formato thanked the Council for allowing him to speak. Mayor Taylor thanked Mr. Formato for his comments.

Mr. Mike Forrest was recognized and stated that he lives at 630 East Withers Road in Wytheville. He advised that he is speaking in support of Ms. Alma Watson's request for a special exception permit for a bed and breakfast. Mr. Forrest commented that he is not afraid that property values will be hurt, etc. He noted that he agreed with the statements Mr. Topping made about Councilman Hand and his business partner, Mr. Jeff Caudill, contacting the neighborhood prior to this meeting and using scare tactics of what could happen if Ms. Watson's special exception permit was approved by the Council. Mr. Forrest explained that he was not contacted, personally, but his neighbor was contacted and was told that it would be like a stack of dominos rolling down Withers Road and everything would turn into commercial property. He commented that Mr. Caudill even stated that no one would even be able to tell what the future would hold, and that even a drug rehabilitation house could be placed there. Mr. Forrest stated that Mr. Richard Formato is his neighbor, and he did have his cottage listed on the Airbnb website, however, he removed it from the site. He noted that he is now threatening to list it again on the site, which is a scare tactic. Mr. Forrest remarked that he hopes the Council can see through these things and will make the right decision. He thanked the Council for allowing him to speak. Mayor Taylor thanked Mr. Forrest for his comments.

Ms. Anita Aymer was recognized and stated that she lives at 775 Country Club Drive in Wytheville. She noted that she does not live in the historic district, however, she loves the historic district. Ms. Aymer advised that she is attending the meeting in support of Ms. Alma Watson's request for a special exception permit for a bed and breakfast. She noted that when her family visits from out of town, many times they do not want to stay in a hotel, but they want to stay in a bed and breakfast. Ms. Aymer continued to express why she is in support of Ms. Watson's request to the Council. She noted that she really feels like a bed and breakfast is something that people look for, especially in the south, when they travel, and she thinks it will be a plus. Ms. Aymer remarked that if it does not work after one year, the Council does not have to renew the permit, but she feels like it will really be a nice touch to the town. She thanked the Council for allowing her to speak. Mayor Taylor thanked Ms. Aymer for her comments.

Ms. Margaret Baxley was recognized and stated that she lives at 410 South Ninth Street in Wytheville. She depicted on a map where her home is located. Ms. Baxley noted on the map that the homes in a large area were all in favor of Ms. Watson's request including her and her husband. She noted that she is adjacent to Ms. Watson's property. Ms. Baxley continued to express to the Council why she and her husband, John, are in favor of Ms. Watson's request. She commented that she has read the minutes from the last meeting where Mr. Formato spoke, and she was taken aback by his comment about an Airbnb host not being able to discriminate against any of the renters and the host must take who Airbnb sends. Ms. Baxley remarked that if that did not offend anyone in the room in any way then that is sad because discrimination is one of the things that America is fighting against. She stated that if a person does not want to rent to somebody, then they should not open a hospitality business. Ms. Baxley continued to discuss her views regarding Ms. Watson's request to open a bed and breakfast in Wytheville. She thanked the Council for allowing her to speak. Mayor Taylor thanked Ms. Baxley for her comments.

Mr. Jerry Grubb was recognized and stated that he lives at 690 East Liberty Street, and he also owns 710 East Liberty Street. He noted that he had not planned to speak at the meeting because he had read the minutes of the Planning Commission meeting, and he thought that most everything had been said that could be said. Mr. Grubb stated that after hearing everyone speak at this meeting, he thinks there are a few things that could be clarified. He noted that he has heard a lot of talk about the R-1M Residential rezoning. Mr. Grubb advised that he was at the forefront on how that came about. He stated that when the Newberrys tried to apply for a bed and breakfast at Ingleside before Mr. Formato purchased the house, he was opposed to the request, simply because he thought it would ruin the neighborhood. Mr. Grubb commented that anytime a business is brought into a residential neighborhood, it does not mix. He noted that he has been a business owner for 35 years. Mr. Grubb remarked that everyone can ask his neighbor at his shop what she thinks about his business and she will tell everyone that him or his shop is not the problem, and the problems are affiliated with the people who visit his shop. He commented to Ms. Watson that he is sure she would make a great host because he has heard nothing but positive comments about her from the first meeting, but once she opens for business and puts the sign on the door that states that she is open to the public, she cannot discriminate, and she will be stuck with whomever shows up at night to rent her rooms. Mr. Grubb continued to express his concerns regarding Ms. Watson's request for a bed and breakfast. He stated that he hopes the Council will continue to uphold the zoning that is in place

because there was a lot of work put in to get the R-1M Residential Zoning District, and a lot of people gave up a lot to get this in place. Mr. Grubb inquired if the Council starts approving special exception permits, then what was it all for. He remarked that it all began because the Newberrys wanted a bed and breakfast at Ingleside. Mr. Grubb commented that he remembers former Town Manager Carter Beamer stating that once the Town starts approving special exception permits, then what is the need for zoning. He thanked the Council for allowing him to speak. Mayor Taylor thanked Mr. Grubb for his comments.

Mr. Mike Forrest read a portion of the R-1M Residential Zoning District from the Zoning Ordinance on the Town's website. Mr. Bill Topping commented on the description of the current statement of intent in the Zoning Ordinance and of its referral to flexibility. He noted that he thinks that is what should be going on with Ms. Watson's request for a special exception permit for a bed and breakfast.

Mr. Paul Stanley was recognized and stated that he lives at 410 South Fifth Street in Wytheville. He noted that there are more than 50 properties located in the historic district because he owns three of the properties, and he lives in one of the properties. Mr. Stanley remarked that if he had to guess, there would be 100 or more properties. He noted that the Council is dealing with a request for one property owner, which is a single individual who recently purchased property. Mr. Stanley explained that Ms. Watson approached Town staff and inquired if her property could be used for a bed and breakfast. He noted that if Town staff did its job, which he is confident that they did, then Town staff explained to Ms. Watson that a bed and breakfast is not a permitted use on her property because of its zoning. Mr. Stanley commented that the next step is the request for a special exception permit. He noted that a public hearing was conducted with the Planning Commission who, according to the Town's website, is charged by the Council to make a recommendation to the Council, which in this instance was a unanimous vote against Ms. Watson's request for a special exception permit for a bed and breakfast. Mr. Stanley reiterated that the recommendation of the Wytheville Planning Commission is to deny Ms. Alma Watson's request for a special exception permit for a bed and breakfast. He commented that Council is not bound by the Commission's vote, but he would have to question why the Council has the Planning Commission and why have they been appointed by the Council, if the Council is going to second guess and question what they did and why they voted the way they voted. Mr. Stanley stated that earlier the interpretation of the Zoning Ordinance was mentioned, and there is a section of the ordinance that sets out the purposes of it. He noted that there are only seven purposes. He continued to read sections of the Zoning Ordinance, and he expressed his thoughts regarding how he feels the Council should protect the property owners with the Town's ordinance. Mr. Stanley remarked that if the Council follows its own rules, under the Zoning Ordinance, it cannot allow the special exception permit. He continued to express his thoughts regarding his opposition for Ms. Watson's request to the Council and why the Council should deny the request. Mr. Stanley discussed spot zoning with the Council. He noted that the Council's obligation to the citizens of Wytheville is to promote the health, safety and general welfare of the whole town and not just one person. Mr. Stanley continued with his discussion regarding his strong opposition for Ms. Watson's request for a special exception permit for a bed and breakfast. He thanked the Council for allowing him to speak. Mayor Taylor thanked Mr. Stanley for his comments.

Mayor Taylor inquired if there are others who wish to address the Council during the public hearing. There being none, she declared the public hearing closed and proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. Town Manager Sutherland stated that he had received a letter from The Honorable Jeff Campbell, Virginia House of Delegates Representative for the Town of Wytheville, who was responding to the resolution that the Town Council had adopted a few weeks ago about funding for the temporary detention order transportation. He noted that Delegate Campbell advised that he was pledging his support and asking the General Assembly to try to make some type of reasonable accommodation to communities in the matter.
2. The Council Work Session will be held on Tuesday, September 25, 2018, at 7:00 a.m., in the Council Conference Room.
3. The Public Works Committee will meet on Wednesday, September 26, 2018, at 10:00 a.m., in the Council Conference Room.

4. The Joint Industrial Development Authority will hold its regular meeting on Thursday, September 27, 2018, at 3:00 p.m., in the Council Chambers.
5. The Council will be attending the Virginia Municipal League Conference on September 30 through October 3. Also, due to the conference, there will be no Work Session during the week of October 1-5.
6. The Fifth Annual Wellness and Benefits Fair will be held on Tuesday, September 25, 2018, from 9:00 a.m. to 4:00 p.m., at the Wytheville Meeting Center.
7. Flu Shots will be administered on Wednesday, October 3, 2018, from 7:00 a.m. to 9:00 a.m., in Conference Room A of the Municipal Building.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilwoman Pattison, reporting for the Budget and Finance Committee, stated that Ms. Frances Emerson, the Director of Museums, made a presentation at the Work Session on Tuesday morning about the Town's participation with several entities that will provide musical training to children. She noted that the concept would involve the Town of Wytheville Department of Museums and Junior Appalachian Musicians, Incorporated (JAM) partnering together to organize and implement a JAM program for children throughout Wythe County. Councilwoman Pattison explained that JAM is an after school traditional music education program for children starting in fourth grade. She commented that local musicians serve as teaching artists, and the primary goal is to educate students on the history and culture of Appalachian music and dance. Councilwoman Pattison remarked that the children will choose one instrument with the choices of fiddle, guitar or banjo, and they will also learn about ballad singing, mountain dance, playing in a group or band and a variety of additional topics during the entire group enrichment activities. She stated that this program is scheduled to begin in January 2019. Councilwoman Pattison noted that Director Emerson suggested that the Town participate in the program by offering space at the Fourth Street Civic Center, and, also, by providing staff time for the activity. She remarked that the Council believes that this is a worthwhile program and agrees with Director Emerson that this would be an excellent project for the Town to participate. Councilwoman Pattison stated that the in-kind staff time from the Town of Wytheville is valued at approximately \$1,500. She advised that it would be the recommendation of the Budget and Finance Committee that the Council authorize Director Emerson to proceed with participation in this program, to use the Fourth Street Civic Center and to expend approximately \$1,500 for in-kind wages for the program. A motion was made by Councilwoman Pattison and seconded by Vice-Mayor King to authorize Director of Museums Frances Emerson to participate in the Junior Appalachian Musicians Program, to use the Fourth Street Civic Center for this activity and to expend \$1,500 for in-kind wages for the program. Mayor Taylor inquired if there was any discussion on the motion. 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.

Councilwoman Pattison, also, reported that there are two exciting programs that were developed this summer to assist children in the Healthy Eating/Active Living Initiatives (HEAL). She noted, first, was the Kidventure Summer Camp being able to have a garden for the kids to work with and grow products during the summer. Councilwoman Pattison explained that the Town had a total of eight raised beds and three large planters. She commented that each child was able to decorate their own plot area to make it original to them before the beds were filled with dirt. Councilwoman Pattison explained that the kids had some creative designs and enjoyed making their own areas. She stated that in the raised beds, the children were allowed to plant vegetables such as lettuce and radishes, and, in other planters, Town staff planted cucumbers, tomatoes and strawberries. Councilwoman Pattison noted that the children were very excited as the fruits and vegetables grew and were very happy to participate in the activities associated with gardening. She commented that the Council believes that this was a very good program and something that the Town would like to continue in the upcoming years. Councilwoman Pattison remarked that a related, but different, program was its efforts to provide fresh fruit to children who were at the McWane Pool. She commented that during the course of the summer, Town staff passed out 337 apples, 135 oranges and 273 bananas to the children who were utilizing the pool. Councilwoman Pattison noted that the thought in this program being that it was far better for children to have a healthy snack than something that was less than healthy. She explained that there were many compliments from parents about this program. Councilwoman Pattison stated that the Town Council did learn that it may be helpful, next year, to purchase a small refrigerator that may be used to store the fruit, which would allow additional alternatives such as precut watermelon. She noted, again, the Committee thinks that this was a very good program, and the Council congratulates the Recreation Department on its implementation. Councilwoman Pattison advised that no action is required of the Council at this

time, but the Budget and Finance Committee did want to make citizens aware of these programs. 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 earlier this year, a schedule was developed identifying various streets throughout town that were in need of milling and/or paving. He explained that the low bidder on this project was W&L Construction, Incorporated of Chilhowie, Virginia, and they have advised that they are planning to commence their operations on this work in the near future. Councilman Bloomfield noted that, initially, W&L Construction, Incorporated had reported that they would begin the work on October 1, 2018, but has now advised that they are going to commence with milling operations immediately. He remarked that the Town will spend approximately \$500,000 on this project. Councilman Bloomfield commented that as this work is being performed, there are times when it is inconvenient, but the Council does appreciate everyone's tolerance. He remarked that it is important to maintain the streets in a good state of repair, and, unfortunately, paving causes some disruption to normal traffic patterns, but it will end after a short time. Councilman Bloomfield stated that if anyone should have any questions with regard to the milling and paving project, please feel free to contact Town Engineer Trevor Hackler.

Councilman Bloomfield, also, reported that the Public Works Committee wanted to take this opportunity to make everyone aware of the upcoming community shredding event. He noted that the Town has provided this service on seven previous occasions. Councilman Bloomfield stated that the eighth shredding event will be held on Saturday, October 20, 2018, between the hours of 10:00 a.m. and 2:00 p.m. He remarked that the document destruction services will be provided by Southwest Shredding. Councilman Bloomfield explained that due to the volume of documents that was received previously, the Town will, again, impose the standard that no one can bring anything in excess of what would be held by a 55 gallon container. He explained that the event is limited to town residents only, and businesses are not allowed to participate. Councilman Bloomfield stated that the event will be held in the Municipal Building parking lot. A copy of the Public Works Committee report is attached and made part of these minutes.

RE: SPECIAL EXCEPTION PERMIT – ALMA WATSON

Mayor Taylor advised that the next agenda item is to consider the issuance of a special exception permit to Ms. Alma Watson to operate a bed and breakfast at 580 Withers Road, which is located on the north side of Withers Road between Seventh and Ninth Streets, in an R-1M Residential Zoning District. She noted that if the Council will recall, the recommendation from the Planning Commission is to deny the request. Mayor Taylor explained to the Council what their options are. She inquired of the Council if there is a motion to approve or deny the request of Ms. Alma Watson for a special exception permit. Councilman Bloomfield inquired of Mayor Taylor if the Planning Commission has seen Ms. Watson's new proposal. Mayor Taylor commented that the Council has seen the proposal but the proposal has not been before the Planning Commission. A motion was made by Councilman Hand to deny the request of Ms. Alma Watson for a special exception permit to operate a bed and breakfast at 580 Withers Road, which is located on the north side of Withers Road between Seventh and Ninth Streets, in an R-1M Residential Zoning District. There being a lack of a second, the motion died. A motion was made by Councilman Bloomfield and seconded by Vice-Mayor King to refer the request of Ms. Alma Watson for a special exception permit to operate a bed and breakfast at 580 Withers Road, which is located on the north side of Withers Road between Seventh and Ninth Streets, in an R-1M Residential Zoning District back to Wytheville Planning Commission for further review. Mayor Taylor inquired if there was any discussion on the motion. Councilman Bloomfield stated that Ms. Watson has changed her request, which could make a difference to the Planning Commission and that is why he feels it should go back to the Planning Commission for review. Vice-Mayor King inquired as to how many times the Planning Commission can review the request. Councilman Hand stated that he thinks it is extremely unfair to the Planning Commission because they have made a recommendation to the Council based on what they have already heard. He commented that he feels like this information should have been presented to the Commission and it was not. Councilman Hand continued to express his thoughts regarding why he does not think it should not be referred back to the Planning Commission. He noted that the only thing that has changed is the removal of the conference and meeting center because it is exactly what she asked for the first time. Mayor Taylor inquired of Councilwoman Pattison if she feels that there is any reason for the request to be referred back to the Planning Commission. Councilwoman Pattison advised that she does not personally feel that referring this back to the Planning Commission will change a lot of the Planning Commission members minds. Discussion ensued regarding Ms. Watson's request and if it should be referred back to the Planning Commission. Mayor Taylor inquired if there was any

further discussion. Councilman Bloomfield called for the question. Mayor Taylor stated that the motion is to refer the request of Ms. Alma Watson for a special exception permit to operate a bed and breakfast at 580 Withers Road, which is located on the north side of Withers Road between Seventh and Ninth Streets, in an R-1M Residential Zoning District back to Wytheville Planning Commission for further review. The motion was defeated with the following voting results: For: None. Against: Beth A. Taylor, Jacqueline K. King, Joseph E. Hand, Jr., Mark J. Bloomfield, Cathy D. Pattison. Mayor Taylor inquired if there is a motion to deny or approve the request of Ms. Alma Watson for a special exception permit. A discussion ensued regarding the options that Ms. Watson has if the Council does not vote at the meeting this evening. A motion was made by Vice-Mayor King and seconded by Councilman Hand to deny the request of Ms. Alma Watson for a special exception permit to operate a bed and breakfast at 580 Withers Road, which is located on the north side of Withers Road between Seventh and Ninth Streets, in an R-1M Residential Zoning District. Mayor Taylor inquired if there was any discussion on the motion. 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.

Mr. Bill Topping inquired of the Council if they were going to vote. Mayor Taylor advised that the Council had taken a vote. Town Attorney Menerick noted that the Council voted to deny the request for the special exception permit.

RE: WYTHEVILLE PLANNING COMMISSION ANNUAL REPORT

Mayor Taylor advised that the next agenda item is the review of the Town of Wytheville Planning Commission Annual Report for 2017-2018. She noted that each of the members of Council have had a chance to review the report. Mayor Taylor inquired if Councilwoman Pattison has any input regarding the report. Councilwoman Pattison stated that the report is a good report, and it is self explanatory. Mayor Taylor thanked Councilwoman Pattison, and she proceeded with the agenda.

RE: RESCHEDULING TOWN COUNCIL MEETING

Mayor Taylor advised that the next agenda item is to consider rescheduling the Town Council meeting of November 12, 2018, due to the Veterans Day holiday. She explained the tradition of the Council regarding the rescheduling of meetings. It was the consensus of the Council to reschedule the Town Council meeting of November 12, 2018, to November 13, 2018, due to the Veterans Day holiday.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded and carried to adjourn the meeting (9:15 p.m.).

Beth A. Taylor, Mayor

Sharon G. Corvin, CMC, Town Clerk

BUDGET AND FINANCE COMMITTEE REPORT

SEPTEMBER 24, 2018

1. Ms. Frances Emerson, the Director of Museums, made a presentation at the Work Session on Tuesday morning about the Town's participation with several entities that will provide musical training to children. The concept would involve the Town of Wytheville Department of Museums and Junior Appalachian Musicians, Incorporated (JAM) partnering together to organize and implement a JAM program for children throughout Wythe County. JAM is an after school traditional music education program for children starting in fourth grade. Local musicians serve as teaching artists, and the primary goal is to educate students on the history and culture of Appalachian music and dance. The children will choose one instrument with the choices of fiddle, guitar or banjo, and they will also learn about ballad singing, mountain dance, playing in a group or band and a variety of additional topics during the entire group enrichment activities. This program is scheduled to begin in January 2019. Director Emerson suggested that the Town participate in the program by offering space at the Fourth Street Civic Center, and, also, by providing staff time for the activity. We believe that this is a worthwhile program and agree with Director Emerson that this would be an excellent project for the Town to participate. The in-kind staff time from the Town of Wytheville is valued at approximately \$1,500. It would be the recommendation of the Budget and Finance Committee that we authorize Director Emerson to proceed with participation in this program, to use the Fourth Street Civic Center and to expend approximately \$1,500 for in-kind wages for the program.

2. There are two exciting programs that were developed this summer to assist children in our Healthy Eating/Active Living Initiatives (HEAL). First, was our Kidventure Summer Camp being able to have a garden for the kids to work with and grow products during the summer. We had a total of eight raised beds and three large planters. Each child was able to decorate their own plot area to make it original to them before the beds were filled with dirt. The kids had some creative designs and enjoyed making their own areas. In the raised beds, the children were allowed to plant vegetables such as lettuce and radishes, and, in other planters, we planted cucumbers, tomatoes and strawberries. The children were very excited as the fruits and vegetables grew and were very happy to participate in the activities associated with gardening. We believe that this was a very good program and something that we would like to continue in the upcoming years. A related, but different, program was our efforts to provide fresh fruit to children who were at the McWane Pool. During the course of the summer, Town staff passed out 337 apples, 135 oranges and 273 bananas to the children who were utilizing the pool. The thought in this program being that it was far better for children to have a healthy snack than something that was less than healthy. There were many compliments from parents about this program. We did learn that it may be helpful, next year, to purchase a small refrigerator that may be used to store the fruit, which would allow additional alternatives such as precut watermelon. Again, we think that this was a very good program, and we congratulate our Recreation Department on its implementation. No action is

required of the Council at this time, but we did want to make citizens aware of these programs.

Jacqueline K. King

Cathy D. Pattison

PUBLIC WORKS COMMITTEE REPORT

SEPTEMBER 24, 2018

1. Earlier this year, a schedule was developed identifying various streets throughout town that were in need of milling and/or paving. The low bidder on this project was W&L Construction, Incorporated of Chilhowie, Virginia, and they have advised that they are planning to commence their operations on this work in the near future. Initially, W&L Construction, Incorporated had reported that they would begin the work on October 1, 2018, but has now advised that they are going to commence with milling operations immediately. The Town will spend approximately \$500,000 on this project. As this work is being performed, there are times when it is inconvenient, but we do appreciate everyone's tolerance. It is important to maintain our streets in a good state of repair, and, unfortunately, paving causes some disruption to normal traffic patterns, but it will end after a short time. If anyone should have any questions with regard to the milling and paving project, please feel free to contact Town Engineer Trevor Hackler.
2. We wanted to take this opportunity to make everyone aware of the upcoming community shredding event. The Town has provided this service on seven previous occasions. The eighth shredding event will be held on Saturday, October 20, 2018, between the hours of 10:00 a.m. and 2:00 p.m. The document destruction services will be provided by Southwest Shredding. Due to the volume of documents that was received previously, we will, again, impose the standard that no one can bring anything in excess of what would be held by a 55 gallon container. The event is

limited to town residents only, and businesses are not allowed to participate. The event will be held in the Municipal Building parking lot.

Joseph E. Hand, Jr.

Mark J. Bloomfield