

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, OCTOBER 8, 2018, AT 7:00 P.M.**

Members present: Beth A. Taylor, Joseph E. Hand, Jr., Mark J. Bloomfield

Members absent: Jacqueline K. King, 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, John W. Jones, Jr., Becky Grubb, Pat Snapp, Charlie Lester, Whitley Lester, 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 September 24, 2018, and the request of HOPE, Incorporated to conduct a Stuffed Strut 5K Run on Thursday, November 22, 2018, at 8:00 a.m. Mayor Taylor inquired if there is a motion to approve the items together or separately. A motion was made by Councilman Bloomfield and seconded by Councilman Hand to approve the consent agenda consisting of the minutes of the regular meeting of September 24, 2018, and the request of HOPE, Incorporated to conduct a Stuffed Strut 5K Run on Thursday, November 22, 2018, at 8:00 a.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, Joseph E. Hand, Jr., Mark J. Bloomfield. Against: None.

RE: CITIZENS' PERIOD

Mayor Taylor advised that the next agenda item is Citizens' Period. She noted that Mr. John Jones, Jr. stated on the sign in sheet that he wished to address the Council during Citizens' Period.

Mr. John W. Jones, Jr. was recognized and stated that he lives at 300 East North Street in Wytheville. He commented that when he addressed the Council a few months ago, he thanked the Council for the LEOs Program that was implemented because he thinks it is a good program. Mr. Jones stated he would like address some issues if the Council wants to revisit them, and the Council needs to look at the cost of the LEOs Program and look at the budget. He noted that if the Council is planning to add on to the LEOs Program, then with his way of thinking, the Council will need to remove something from the budget because, otherwise, the Council will end up having to increase taxes, etc. Mr. Jones stated that he would like to comment regarding the downtown project. He explained that he supports this project, and he does not want the Council to think that he does not support the project, however, he has a couple of issues regarding the project. Mr. Jones remarked that the crossing stoplights on Main Street at Tazewell, Church and First Streets should both go at the same time and not separately as they are currently set up. He noted that there is not enough traffic on the cross streets that there has to be stoplights set up like this. Mr. Jones commented that he agrees with the Council regarding spending the money to purchase the Millwald Theatre because other towns have done the same thing and turned them into centerpieces for their downtowns. He remarked that the one thing that he would oppose, which he knows Councilman Bloomfield will not agree with, is removing the barber shop. Mr. Jones noted that the barber shop has been on Main Street since 1929, which makes it almost 90 years old. He continued to express to the Council why the barber shop should not be removed. Mr. Jones stated that on Spring Street at Church and First Streets, in his opinion, the stoplights should be removed and four way stop signs should be installed. He noted that there is not that much traffic on Spring Street. Mr. Jones continued to express his opinion regarding the stoplights on Spring Street. Mr. Jones remarked that stoplights are not a necessity on Spring Street unlike Fourth Street where there is a lot more traffic. He commented that his other favorite area is located at Monroe and Fourth Streets. Mr. Jones stated that at the stoplight at Monroe and Fourth Streets, there needs to be a right turn lane installed. He remarked that 40 to 50 percent of the traffic at that stoplight turns right. Mr. Jones commented that he has seen the traffic backed all the way to the Rock House Museum because of the stoplight. Discussion continued regarding the stoplight at Monroe and Fourth Streets. Mr. Jones stated that in regard to the paving program, he commends the fact that the streets have been paved to where the water and sewer caps are almost flush, but there are a lot

of streets that have been paved where that did not happen in the past years. He noted that several locations have been paved but they have problems that need to be fixed. Mr. Jones stated that some of the streets with problems are Fourth Street, Peppers Ferry Road, Spiller Street between Fourth Street and West Lee Highway, Holston Road, Cove Road and a number of other locations including Main Street on the east end where they are in the process of putting in a new gas and convenience store. He remarked that the problem is that the caps were not raised, and when a person hits them with their vehicle, it jars the vehicle and messes up a vehicle's frontend alignment, tires, etc. Mr. Jones stated that in an extreme case, it could even cause an accident, if someone were to try to avoid one of the caps or simply did not see it. He noted that he has one more thing that he would like to mention to the Council, which is a moot point, and that is the recycling center. Mr. Jones explained that he hated to see the recycling center moved, and he did not attend a Council meeting to voice his complaint about it being moved, but he has had a number of people, particularly ladies, who have stated that they will not go where it is now located because of its location. He continued to express his opinion regarding the location of the recycling center. Mr. Jones remarked that the amount of its usage is down approximately one third. He stated that the crosswalk on Monroe Street, between Adams and Delp, PC and the Wytheville Post Office, should probably have one of the pedestrian crosswalks like Main Street has in front of Wytheville Office Supply. Mr. Jones stated that the last thing he would like to say is that the Wytheville Lion's Club had the pleasure of having Sergeant Lonnie Anders speak at the September meeting regarding an Active Shooter Program, and he did an excellent job. He commented that the Lion's Club appreciated Sergeant Anders taking his time with the presentation. Mr. Jones thanked the Council for allowing him to speak. Mayor Taylor thanked Mr. Jones for his comments. She stated that no one else attending the meeting signed in to address the Council, therefore, she would proceed 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 Mr. Andy Kegley, Executive Director of HOPE, Incorporated, requesting a waiver of fees for use of the Heritage Preservation Center on October 24, 2018, for a Mental Health First Aid Work Shop. He noted that Director of Museums Frances Emerson is aware of the request, and she does not have any issues with the request. He commented that this is the last meeting of the Council before the proposed work shop, therefore, he would ask the Council to act on the request to approve or not approve it at this meeting. A motion was made by Councilman Bloomfield and seconded by Councilman Hand to approve the request of HOPE, Incorporated for waiver of fees for use of the Heritage Preservation Center on October 24, 2018, for a Mental Health First Aid Workshop. Mayor Taylor inquired if there was any discussion on the motion to approve the request of HOPE, Incorporated for waiver of fees. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Beth A. Taylor, Joseph E. Hand, Jr., Mark J. Bloomfield. Against: None.
2. The Council Work Session will be held on Tuesday, October 9, 2018, at 7:00 a.m., in the Council Conference Room.
3. The Public Works Committee will meet on Wednesday, October 10, 2018, at 10:00 a.m., in the Council Conference Room.
4. The Beautification Task Force will meet on Wednesday, October 17, 2018, at 11:30 a.m., at Moon Dog Brick Oven.
5. The New River Regional Water Authority will meet on Thursday, October 18, 2018, at 10:00 a.m., in the Council Chambers.
6. The Council Personnel Committee will meet on Friday, October 19, 2018, at 8:15 a.m., at the Wytheville Meeting Center.
7. The Community Shredding Event will be held on Saturday, October 20, 2018, from 10:00 a.m. to 2:00 p.m., in the Municipal Building Parking Lot.

RE: BUDGET AND FINANCE COMMITTEE REPORT

The Budget and Finance Committee report was entered into the record as follows:

Town Treasurer Mike Stephens advises that he now has all of the information from the Commissioner of the Revenue on personal property taxes, i.e. vehicles. As the Council knows, several years ago, the State changed the law with regard to procedures where car taxes were eliminated, and then the State reimburses communities a certain percent. When the budget was adopted this past year, the reimbursement that was established in the budget document was 61.30 percent, and, as the Council knew at that time, it was an estimate until the Commissioner actually provided the Town with all of the data for the year. It has now been determined that the reimbursement percentage from the State will need to be established at 55.70 percent. Town Treasurer Stephens would request, and we would recommend, that the Council take an action to establish the reimbursement percentage at the above described amount. A motion was made by Councilman Hand and seconded by Councilman Bloomfield to establish the rate of 55.70 as the personal property tax State reimbursement rate. Mayor Taylor inquired if there was any discussion on the motion to establish the rate of 55.70 as the personal property tax State reimbursement rate. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Beth A. Taylor, Joseph E. Hand, Jr., Mark J. Bloomfield. Against: None.

In the current year's budget, there were funds appropriated for the employment of a full-time Fire Chief. Currently, the Town's Fire Department is an accumulation of both paid career people, as well as the volunteers. The growing trend in America is to combine the career people with the volunteers to form a seamless organization led by a paid Chief. That is the direction that we think will best serve Wytheville as we go forward. We have advertised for a full-time Fire Chief position and it will probably be filled in the very near future. To accommodate this change, we need to make certain revisions to the Town Code noting that there is now a paid Chief who will direct the activities of both the career staff and the volunteer personnel. Later in the meeting, the Council will consider an ordinance that makes these amendments, and it would be our recommendation that it be approved on first and final reading. Secondly, we will consider, later in the meeting, an ordinance that amends the Town Code about derelict structures. Primarily, the changes here are to reflect that the identified person authorized with the administration of this program is the Building Official and not the Director of Public Safety. Mr. Albert Newberry, who served as the Director of Public Safety, has retired and that position has not been filled. Those duties will now be assigned to the Building Official. Likewise, we think that this is an ordinance that merely makes technical revisions, and we would move that the ordinance be adopted on first and final reading. 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 now that autumn is upon us, the leaves are starting to fall. He noted that as usual, the Town has had several inquiries with regard to its annual Leaf Collection Program. Councilman Bloomfield explained that it is anticipated that Town forces will begin collecting leaves at the curbside around the first of November. He remarked that leaves will be collected as they are deposited, but as the month progresses, the volume of leaves that will be collected will increase and the collection efforts will be oriented to a street by street collection method. Councilman Bloomfield expressed that as Town staff approaches this cleanup effort, the Public Works Committee would like to remind Town citizens to rake the leaves up to the side of the street, but not into the street. He stated that the accumulation of large quantities of leaves in the street tends to create traffic hazards. Councilman Bloomfield noted that the Town's citizens should not pile any leaves into the street that will create any type of impediment to vehicular traffic. He explained that the Public Works Committee would, also, like to note that the next brush pick up week is November 26 - 30. Councilman Bloomfield remarked that the Public Works Committee would encourage citizens to get their brush out during this week because it is difficult to pick up any additional brush after the Leaf Collection Program begins. He expressed that the Public Works Committee thinks that this is an extremely helpful program to the town citizens and would hope that everybody will attempt to comply with the regulations.

Councilman Bloomfield, also, reported that last year, the Council had concerns expressed by several citizens at a couple of locations in town about a nuisance that was being created by the presence of black buzzards and turkey buzzards. He explained that at these specified locations, there were large congregations of these birds creating a variety of problems for the property owners. Councilman Bloomfield stated that the Town's Animal Control Officer used a variety of pyrotechnic devices in an effort to keep the birds from roosting at these locations. He noted that these efforts proved to be ineffective, and, ultimately, the Police Department worked with State and Federal agencies to develop an eradication program. Councilman Bloomfield commented that the Wytheville Police Department received a permit from the Federal government to eradicate a certain portion of these buzzards, and the permit was valid for one year. He remarked that the permit expires in November 2018. Councilman Bloomfield explained that the

Town has, in fact, used all of the techniques and resources that the State and Federal government has offered to the Town, but, at this time, all of the efforts have not proved to be particularly effective. He stated that the buzzard problem is widespread in Southwestern Virginia. Councilman Bloomfield commented that these birds are a protected species and there are only so many measures that can be taken in dealing with the nuisance. He noted that this program has used a considerable amount of resources including the labor from the Police Department. Councilman Bloomfield stated that the Town Council believes, based on the information gathered from the Police Department, that continued efforts along these lines are not effective. He commented that the Town is going to continue doing all the activities as long as the Federal permit is valid, but, thereafter, the Council plans to cease its operations with regard to the buzzards. Councilman Bloomfield stated that the Town Council realizes that there will continue to be nuisances in certain areas, but all the Town's efforts have proved to be ineffective. A copy of the Public Works Committee report is attached and made part of these minutes.

RE: APPOINTMENTS – WYTHEVILLE RECREATION COMMISSION

Mayor Taylor advised that the next agenda item is to consider an appointment/reappointment of a youth member to the Wytheville Recreation Commission to fill the expired term of Ms. Rosie Tomiak (term expired October 1, 2018). She explained that Ms. Tomiak is eligible for reappointment and has expressed a willingness to serve again, if reappointed. Mayor Taylor inquired if there is a motion concerning the appointment/reappointment of a youth member to the Wytheville Recreation Commission to fill the expired term of Ms. Rosie Tomiak. A motion was made by Councilman Hand and seconded by Councilman Bloomfield to reappoint Ms. Rosie Tomiak to the Wytheville Recreation Commission for a one year term, which expires October 1, 2019. Mayor Taylor inquired if there was any discussion on the motion to reappoint Ms. Tomiak to the Wytheville Recreation Commission. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Beth A. Taylor, Joseph E. Hand, Jr., Mark J. Bloomfield. Against: None.

RE: ORINANCE NO. 1347

Mayor Taylor presented Ordinance No. 1347, an ordinance amending and reenacting Chapter 6, Fire Prevention and Protection, Article II. Fire Department. Division 1. Generally, Section 6-16. Composition; Qualifications, Appointment and Terms of Members of Volunteer Fire Department, of the Code of the Town of Wytheville, on first reading. She noted that, basically, this ordinance is inserting verbiage about the Fire Chief. Mayor Taylor inquired if there is a motion concerning Ordinance No. 1347. A motion was made by Councilman Bloomfield and seconded by Councilman Hand to suspend the rules and adopt Ordinance No. 1347, an ordinance amending and reenacting Chapter 6, Fire Prevention and Protection, Article II. Fire Department. Division 1. Generally, Section 6-16. Composition; Qualifications, Appointment and Terms of Members of Volunteer Fire Department, of the Code of the Town of Wytheville, on first reading 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, Joseph E. Hand, Jr., Mark J. Bloomfield

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1347 was adopted on first and final reading.

RE: ORINANCE NO. 1348

Mayor Taylor presented Ordinance No. 1348, an ordinance amending and reenacting Chapter 4, Building Regulations, Article VII. Derelict Buildings, Section 4-132. Definitions; Section 4-133. Enforcement; Section 4-134. Notice of Declaration of Derelict Building; Section 4-135. Submittal of Work Plan by Owner; Approval by Director, of the Code of the Town of Wytheville, on first reading. She noted the revisions to this ordinance to the Council members. Mayor Taylor inquired if there is a motion concerning Ordinance No. 1348. A motion was made by Councilman Bloomfield and seconded by Councilman Hand to suspend the rules and adopt Ordinance No. 1348, an ordinance amending and reenacting Chapter 4, Building Regulations, Article VII. Derelict Buildings, Section 4-132. Definitions; Section 4-133. Enforcement; Section 4-134. Notice of Declaration of Derelict Building; Section 4-135. Submittal of Work Plan by Owner; Approval by Director, of the Code of the Town of Wytheville, on first reading and final reading. Mayor Taylor inquired if there was any discussion on the motion to adopt the ordinance on first

and final reading. Councilman Bloomfield inquired if someone could clarify if the revisions are only to the wording of the ordinance. Town Manager Sutherland stated that is correct. Mayor Taylor inquired if there was any further discussion. There being none, the motion was approved with the following voting in favor and there being no opposition:

FOR: Beth A. Taylor, Joseph E. Hand, Jr., Mark J. Bloomfield

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1348 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 (7:19 p.m.).

Beth A. Taylor, Mayor

Sharon G. Corvin, CMC, Town Clerk

BUDGET AND FINANCE COMMITTEE REPORT

OCTOBER 8, 2018

1. Town Treasurer Mike Stephens advises that he now has all of the information from the Commissioner of the Revenue on personal property taxes, i.e. vehicles. As the Council knows, several years ago, the State changed the law with regard to procedures where car taxes were eliminated, and then the State reimburses communities a certain percent. When the budget was adopted this past year, the reimbursement that was established in the budget document was 61.30 percent, and, as the Council knew at that time, it was an estimate until the Commissioner actually provided the Town with all of the data for the year. It has now been determined that the reimbursement percentage from the State will need to be established at 55.70 percent. Town Treasurer Stephens would request, and we would recommend, that the Council take an action to establish the reimbursement percentage at the above described amount.
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noting that there is now a paid Chief who will direct the activities of both the career staff and the volunteer personnel. Later in the meeting, the Council will consider an ordinance that makes these amendments, and it would be our recommendation that it be approved on first and final reading. Secondly, we will consider, later in the meeting, an ordinance that amends the Town Code about derelict structures. Primarily, the changes here are to reflect that the identified person authorized with the administration of this program is the Building Official and not the Director of Public Safety. Mr. Albert Newberry, who served as the Director of Public Safety, has retired and that position has not been filled. Those duties will now be assigned to the Building Official. Likewise, we think that this is an ordinance that merely make technical revisions, and we would move that the ordinance be adopted on first and final reading.

Jacqueline K. King

Cathy D. Pattison

PUBLIC WORKS COMMITTEE REPORT

OCTOBER 8, 2018

1. Now that autumn is upon us, the leaves are starting to fall. As usual, we have had several inquiries with regard to our annual Leaf Collection Program. It is anticipated that Town forces will begin collecting leaves at the curbside around the first of November. Leaves will be collected as they are deposited, but as the month progresses, the volume of leaves that will be collected will increase and the collection efforts will be oriented to a street by street collection method. As we approach this cleanup effort, we would like to remind Town citizens to rake the leaves up to the side of the street, but not into the street. The accumulation of large quantities of leaves in the street tends to create traffic hazards. The Town's citizens should not pile any leaves into the street that will create any type of impediment to vehicular traffic. We would, also, like to note that the next brush pick up week is November 26 - 30. We would encourage citizens to get their brush out during this week because it is difficult to pick up any additional brush after the Leaf Collection Program begins. We think that this is an extremely helpful program to our town citizens and would hope that everybody will attempt to comply with the regulations.
2. Last year, we had concerns expressed by several citizens at a couple of locations in town about a nuisance that was being created by the presence of black buzzards and turkey buzzards. At these specified locations, there were large congregations of these birds creating a variety of problems for the property owners. Our Animal Control Officer used a variety of pyrotechnic devices in an effort to keep the birds

from roosting at these locations. These efforts proved to be ineffective, and, ultimately, our Police Department worked with State and Federal agencies to develop an eradication program. Our Police Department received a permit from the Federal government to eradicate a certain portion of these buzzards, and the permit was valid for one year. The permit expires in November 2018. We have, in fact, used all of the techniques and resources that the State and Federal government has offered to us, but, at this time, all of our efforts have not proved to be particularly effective. The buzzard problem is widespread in Southwestern Virginia. These birds are a protected species and there are only so many measures that can be taken in dealing with the nuisance. This program has used a considerable amount of resources including the labor from the Police Department. We believe, based on the information gathered from the Police Department, that continued efforts along these lines are not effective. We are going to continue doing all of the activities as long as the Federal permit is valid, but, thereafter, we plan to cease our operations with regard to the buzzards. We realize that there will continue to be nuisances in certain areas, but all of our efforts have proved to be ineffective.

Joseph E. Hand, Jr.

Mark J. Bloomfield