

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON TUESDAY, NOVEMBER 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, Marie B. Bishop, Mike Forrest, Mary Thomas, Leysa Cox, Sansai "C.J." Patel, Police Officer Jonathan Lackey

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 Hand.

RE: CONSENT AGENDA

Mayor Taylor presented the consent agenda consisting of the minutes of the regular meeting of October 22, 2018; the minutes of the special meeting of October 26, 2018; and, the request of Downtown Wytheville, Incorporated to hold the Annual Christmas Festivities to include: (a) Christmas Celebration in Withers Park on Friday, November 30, 2018, from 5:00 p.m. to 8:00 p.m. and to provide carriage rides on Spiller, Tazewell and Monroe Streets; (b) Annual Christmas Parade on Saturday, December 1, 2018, at 5:00 p.m., and to close parking on Main Street, from Fourth to First Streets, at 12:00 a.m. and to close Main Street beginning at 3:00 p.m. for the parade; (c) Christmas Celebration carriage rides on Saturday, December 1, 2018, from 1:00 p.m. to 4:00 p.m. on Spring, First and Church Streets and Withers Road. Mayor Taylor inquired if there is a motion to approve the consent agenda as presented or to somehow be amended. A motion was made by Councilwoman Pattison and seconded by Councilman Hand to approve the consent agenda consisting of the minutes of the regular meeting of October 22, 2018; the minutes of the special meeting of October 26, 2018; and, the request of Downtown Wytheville, Incorporated to hold the Annual Christmas Festivities to include: (a) Christmas Celebration in Withers Park on Friday, November 30, 2018, from 5:00 p.m. to 8:00 p.m. and to provide carriage rides on Spiller, Tazewell and Monroe Streets; (b) Annual Christmas Parade on Saturday, December 1, 2018, at 5:00 p.m., and to close parking on Main Street, from Fourth to First Streets, at 12:00 a.m. and to close Main Street beginning at 3:00 p.m. for the parade; (c) Christmas Celebration carriage rides on Saturday, December 1, 2018, from 1:00 p.m. to 4:00 p.m. on Spring, First and Church Streets and Withers Road, 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

Mayor Taylor advised that the next agenda item is Citizens' Period. She noted that Mr. Sansai "C.J." Patel stated on the sign in sheet that he wished to address the Council during Citizens' Period.

Mr. Sansai "C.J." Patel was recognized and stated that he is in the hotel business in Wytheville. He commented that, in January, he purchased the Sleep Inn hotel located on Nye Circle. Mr. Patel commented that it tends to be very dark on Peppers Ferry Road where traffic turns onto Nye Circle to go to Super 8, Sleep Inn, etc., and it concerns him that there are no street lights located in that area. He stated that he has been working with Deputy Clerk Donna Stroupe regarding signage for his hotel, however, he would like to know if current signage is grandfathered because he is proposing to install a new sign. Mayor Taylor inquired of Assistant Town Manager Moore if he would be able to answer Mr. Patel's question. Town Manager Sutherland explained that he is familiar with Mr. Patel's sign issue. He noted that he is aware of several communications between Mr. Patel and Town staff, and the sign is still under review. Discussion continued regarding Mr. Patel's sign request. Town Manager Sutherland stated that Town staff would follow up with Mr. Patel in regard to his sign review. Mayor Taylor noted that Town staff would also follow up in regard to the street light request and would contact him with an answer. Discussion ensued regarding the street lights. Mr. Patel thanked the Council for allowing him to speak. Mayor Taylor thanked Mr. Patel for his comments. Mayor Taylor inquired if there are others who wish to address the Council during Citizens' Period. There being none, she proceeded with the agenda.

RE: PUBLIC HEARING – MELTON AND ASSOCIATES PROPERTIES, LLC SPECIAL EXCEPTION PERMIT REQUEST

Mayor Taylor advised that the meeting constituted a public hearing (due notice having been given) to consider the request of Melton and Associates Properties, LLC for a special exception permit to operate an Airbnb at 400 West Spiller Street, which is located on the northwest side of Spiller Street between Sixth and Eighth Streets, in an R-2 Residential Zoning District. Mayor Taylor stated on the sign in sheet that she wished to address the Council during the public hearing.

Ms. Leysa Cox was recognized and stated that she is representing Melton and Associates Properties, LLC. She noted that she lives at 2402 Ivanhoe Road in Max Meadows. Ms. Cox explained that the company is located at 173 Lavender Road in Max Meadows. She stated that Melton and Associates Properties, LLC owns a historic house in Wytheville, which is located at 400 West Spiller Street. Ms. Cox commented that the home is one of the original houses built in Wytheville, and the home is beautiful. She explained that the home was listed as an Airbnb, which was her fault because she was not aware that the use was not permitted and that it was a zoning violation. Ms. Cox noted that the property has been a residential rental property for a long time, however, when the property has been rented for a residential home, the renters tend to destruct the home, and it is expensive to remodel the home because it is a historic home. She stated that they looked at the Airbnb market because when her family travels, they stay in Airbnbs. Ms. Cox noted that Airbnb owners can vet people before they arrive, look at online reviews, deny renters, etc. She commented that the Airbnb rental has gone well. Ms. Cox continued to note some of the Airbnb renters that have had stay at the house, etc. She remarked that they had been asked to stop the Airbnb by the Town Attorney, and they stopped taking reservations. Ms. Cox explained that last week, her assistant accidentally took a reservation made by the Town Attorney, which he canceled himself. She noted that she was out of town, however, it was a mistake and would have been canceled when she returned to the office. Ms. Cox noted that for months, they have been denying people on the Airbnb website. She reiterated that they would like to list the property as an Airbnb because they have had no success with long term rentals. Ms. Cox stated that they would like to continue renting the home as an Airbnb, but if they are not allowed to do so, they can list the property as a residential rental property. Town Attorney Menerick commented that he appreciates Ms. Cox attending the meeting. Ms. Cox stated that when her assistant contacted her in regard to his reservation, she explained to her that even though the calendar was open, they could not rent the property at this time. Town Attorney Menerick remarked that the problem was that when he reviewed the Airbnb website, he is not able to tell what is currently rented or marked out that cannot be rented. Ms. Cox explained that she did not realize that the site could be set to snooze. Town Attorney Menerick noted that he did try to pull the site up early this morning, and it has been removed. He thanked Ms. Cox for removing the site. Discussion continued regarding the Airbnb site reservations. Ms. Cox expressed that the Airbnb market is becoming a big deal, and she feels it would be good for Wytheville. Mayor Taylor inquired of Ms. Cox when she took the site down because Town staff had asked that the site be taken down a while ago. Ms. Cox stated that her staff had blocked off the reservation calendar for an "x" amount of days, and the number of days ran out. She noted that she forgot about this due to lack of interest because it had been blocked off. Ms. Cox explained that once this expired, they started to get interest in the property, which she had been denying when she received the request. She reiterated that when she was out of the office for personal reasons, her assistant was checking the site and did not deny the reservations, which happened to be made by Town Attorney Menerick. Ms. Cox commented that it was an inadvertent mistake on her assistant's part because she was not aware that she was not able to book the Airbnb until the permit was approved. Mayor Taylor thanked Ms. Cox for her comments. She explained to Ms. Cox that Council would vote, later in the meeting, to approve or deny the Airbnb request.

Mr. Mike Forrest was recognized and stated that he lives on East Withers Road in Wytheville. He remarked that Ms. Cox is right in that there is a big explosion in Airbnbs. Mr. Forrest commented that a couple of months ago, the Council also denied a request for an Airbnb. He expressed that he thinks the Town is behind times by not having some type of ordinance for Airbnbs. Mr. Forrest commented that he is not sure if the Council is planning to create an ordinance for Airbnbs or if they are already working on an ordinance for Airbnbs, but the Planning Commission seems to deny each request for one. He stated that he read in the Planning Commission minutes that they recommended to deny the Melton and Associates Properties, LLC request to operate an Airbnb, as well. Mr. Forrest commented that he feels like it is hard for the Council to be impartial when there are only five votes and two Council members are on the Planning Commission. Councilman Hand advised that Mr. Forrest is incorrect. He stated that there is only one Town Council member on the Planning Commission, which is Councilwoman Cathy Pattison. Mr. Forrest remarked that the Town's website has Councilman Hand listed as a member of the Planning Commission, also. Councilman Hand expressed that

he used to be the Council liaison on the Planning Commission, but now it is Councilwoman Pattison. Mr. Forrest stated that the Town's website is out of date. Vice-Mayor King remarked that Councilman Hand is not a member of the Planning Commission, and the website will need to be corrected. Councilman Hand noted that the website can certainly be updated, but Mr. Forrest is incorrect. Mr. Forrest commented that he gets his information from the Town's website, and he assumed that it was correct. Councilman Hand explained that the website may depict that he is a member, however, he would like to clarify that he is not a member of the Planning Commission so that Mr. Forrest has the correct information. Discussion ensued between Councilman Hand and Mr. Forrest in regard to who serves on the Planning Commission, etc. Mayor Taylor stated that she would proceed with the meeting. Mr. Forrest inquired of the Council if the Town is working on any type of ordinance for Airbnbs. Mayor Taylor stated that is correct. Mr. Forrest inquired of Mayor Taylor when would the ordinance be presented. Town Attorney Menerick remarked that the ordinance was recently presented to the Wytheville Planning Commission at their November 8, 2018, meeting. He stated that Assistant Town Manager Moore will present it at the next Planning Commission, again, with any corrections or additions that the Planning Commission had at the November meeting before it is presented to the Town Council for recommendation of adoption. Assistant Town Manager Moore explained that the proposed ordinance might be advertised for a public hearing at the February Planning Commission meeting. Town Attorney Menerick noted that under the ordinance, it would not be called an Airbnb, but, rather, a homestay. He noted that the ordinance would be modeled from the Blacksburg ordinance. Mr. Forrest commented that other cities have called it short term rental properties. Discussion ensued regarding the difference between short term rentals, Airbnb and homestay. Mr. Forrest thanked the Council for allowing him to speak. Mayor Taylor noted that Council would certainly review other ordinances from surrounding areas. Assistant Town Manager Moore remarked that Town staff could give Mr. Forrest a copy of the draft Homestay Ordinance, if he would like to review the draft. Town Manager Sutherland advised that the ordinance must comply with the State Code, as well. Mr. Forrest remarked that the Town does not know that Airbnbs do not comply with the Virginia Code. Town Manager Sutherland explained that the State Code is very specific, which is why Town Attorney Menerick is going to follow through with what the State Code allows. Mayor Taylor thanked Mr. Forrest for his comments, and she proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. Town Manager Sutherland stated that he would like to give a brief report in regard to the Edgemont Sewer Project. He noted that the Department of Environmental Quality has informed the Town that it may proceed with bidding the Edgemont Sewer Project, which has now been advertised. He remarked that the Town will receive bids until December 13, 2018, at 2:00 p.m., at which time bids will be opened in the Council Chambers.
2. The Council Work Session will be held on Wednesday, November 14, 2018, at 7:00 a.m., in the Council Conference Room.
3. The New River Regional Water Authority will meet on Thursday, November 15, 2018, at 10:00 a.m., in the Council Chambers.
4. The Willow Brook Jackson/Umberger Homestead Museum Advisory Board will meet on Thursday, November 15, at 10:00 a.m., in Conference Room A of the Municipal Building.
5. The Council Personnel Committee will meet on Friday, November 16, 2018, at 8:15 a.m., in Conference Room A of the Municipal Building.
6. The Town of Wytheville Municipal Offices will be closed on Thursday, November 23, 2018 and Friday, November 24, 2018, in observance of the Thanksgiving holiday, and all services will be curtailed.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, stated that later in the meeting, the Council will consider an amendment to the Town Code that will prohibit and/or control "running" bamboo. She noted that this is a plant that has been identified by the Virginia Department of Agriculture and the State legislature to be detrimental to the State's lands. Vice-Mayor King explained that the Town of Wytheville has determined that the planting or the growing of running bamboo within the Town of Wytheville has been, and will continue to be, destructive to the natural environment and destructive to structures and walkways on properties adjoining and neighboring those properties where running bamboo has been planted or

permitted to grow. She commented that because of these effects, the planting or the growing of running bamboo threatens the value and physical integrity of both public and private properties. Vice-Mayor King remarked that the Council believes that it is important that the Town take measures to control this invasive species and that it provide regulations concerning its presence. She expressed that the Council believes that property owners have a duty to contain running bamboo and to provide containment measures as may be needed to protect adjacent properties. Vice-Mayor King stated that the ordinance will also provide penalties for those people failing to abide. She advised that it would be the recommendation of the Budget and Finance Committee that this ordinance be adopted on first and final reading when it is considered.

Vice-Mayor King, also, reported that the Town has made application to the Virginia Department of Transportation for design and construction funds for the first phase of a sidewalk along North Fourth Street from a point near McDonald's northward toward the Northwinds apartment complex. She stated that, frequently, there are pedestrians in this area and the Town believes that the installation of a sidewalk in this area would be a vast safety improvement for those people who are currently walking along North Fourth Street. Vice-Mayor King explained that to accompany the application, it is required for the Town Council to adopt a resolution pledging at least 20 percent of the funding needed for the project. She remarked, currently, the design and construction for this project is estimated to be \$720,000. Vice-Mayor King commented that the Town's portion, when complete, would be slightly over \$140,000. She stated that the Council would not anticipate that the approval of this project nor the funding would occur prior to the year 2020. Vice-Mayor King advised that it would be the recommendation of the Budget and Finance Committee that the Council proceed with the adoption of the resolution to the Virginia Department of Transportation seeking this funding. 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 amendment to the Town Code which will revise regulations for the operations of the Town's cemeteries. He noted that the Town's cemeteries consist of the West End Cemetery, East End Cemetery and the Oakwood Cemetery. Councilman Bloomfield explained that, currently, the Town's regulations provide that 60 percent of the payment received for the sale of a grave space be put into a Perpetual Care Fund, which is held and administered by a third-party trustee. He remarked that, at this time, the trustee holding the cemetery maintenance funds is Wells Fargo. Councilman Bloomfield commented that there are many needs in the three cemeteries, and Council believes that the Town can do a better job handling the cemetery funds than a third-party trustee. He stated that the revision that is being proposed at this meeting will eliminate the requirement that 60 percent of the sale price of a grave space be put into the Perpetual Care Fund. Councilman Bloomfield noted, currently, the Town is in the process of having Wells Fargo return the principal amount held in the Cemetery Perpetual Care Fund. He explained that the other revision that is proposed to the ordinance would be to make it allowable for certain improvements, as authorized by the Town Council, to be performed on monuments. Councilman Bloomfield remarked that there are a number of monuments in all three cemeteries that are very historical in nature and in a deteriorated state of repair. He expressed that in all of these situations, there are no family members available to provide care or maintenance for these monuments. Councilman Bloomfield stated that, at present, the regulations prohibit the use of Town funds for any work on monuments in any of the three cemeteries. He noted that this revision will allow the Council to authorize certain repair activities to be performed when it is deemed appropriate. Councilman Bloomfield advised that it would be the recommendation of the Public Works Committee that this ordinance be considered on first and final reading and be adopted. He remarked that, certainly, if there are any concerns, the Council could delay the adoption, but the Public Works Committee does not see that there is any practical reason not to extend the revisions to the regulations.

Councilman Bloomfield, also, reported that at the last meeting of Council, the Public Works Committee had noted that the Town had received an inquiry from several citizens with regard to the need for guardrail on Reed Creek Mill Road. He noted that as the Council may recall, there is a new property owner who has cut a number of trees along the boundary of this roadway, and their absence has now created a certain safety issue. Councilman Bloomfield explained that there are, basically, two sections of roadway in need of guardrail in this location, but the lower section seems to be more critical. He commented that the Public Works Committee has received quotations on both the lower and upper sections and both cost approximately \$28,000 each. Councilman Bloomfield remarked that given that this was an unbudgeted matter, the Council wants to proceed in a fashion that will allow the Town to do this over a period of two budget cycles. He advised that it would be the recommendation of the Public Works Committee

that the Town proceed with installing the lower portion of guardrail at a cost of approximately \$27,900. Councilman Bloomfield stated that the Public Works Committee would like to delay the installation of the upper portion of the guardrail until the next budget cycle, and it is estimated that this portion of guardrail will cost \$28,220. He advised that it would be the recommendation of the Public Works Committee that Council authorize the Town Manager to proceed with the installation of the guardrail as described above. A motion was made by Councilman Bloomfield and seconded by Councilman Hand to authorize Town staff to proceed with the installation of guardrail on Reed Creek Mill Road and to install the lower portion this fiscal year at a cost of approximately \$27,900, and to install the upper portion in the next budget cycle at a cost of approximately \$28,220. Mayor Taylor inquired if there was any discussion on the motion to proceed with the installation of the guardrail on Reed Creek Mill Road. 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. A copy of the Public Works Committee report is attached and made part of these minutes.

RE: SPECIAL EXCEPTION PERMIT REQUEST – MELTON AND ASSOCIATES PROPERTIES, LLC

Mayor Taylor advised the next agenda item is to consider the issuance of a Special Exception Permit to Melton and Associates Properties, LLC to operate an Airbnb at 400 West Spiller Street, which is located on the northwest side of Spiller Street between Sixth and Eighth Streets, in an R-2 Residential Zoning District. She noted that Town Council can take action at this meeting or defer action on the approval or denial of the permit until a later meeting. Mayor Taylor inquired of the Council if there is a motion regarding the issuance of the Special Exception Permit to Melton and Associates Properties, LLC. A motion was made by Councilman Bloomfield and seconded by Councilwoman Pattison to deny the issuance of a Special Exception Permit to Melton and Associates Properties, LLC for a Special Exception Permit to operate an Airbnb at 400 West Spiller Street, which is located on the northwest side of Spiller Street between Sixth and Eighth Streets, in an R-2 Residential Zoning District. Councilman Bloomfield noted that he made the motion to deny the request considering all of the time that the Wytheville Planning Commission spent considering the request at their meeting and before making their recommendation to the Council. Mayor Taylor inquired if there was any discussion on the motion to deny the issuance of the Special Exception Permit request. 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 – NORTH 4TH STREET SIDEWALK IMPROVEMENT PROJECT

Mayor Taylor advised the next agenda item is a VDOT resolution regarding the North 4th Street Sidewalk Improvement Project. She continued to read the VDOT resolution. A motion was made by Vice-Mayor King and seconded by Councilwoman Pattison to adopt a resolution regarding the North 4th Street Sidewalk Improvement Project. 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.

Town Manager Sutherland commented that VDOT is proposing that the interstate entrance ramp located near Holston Road be aligned with the southbound Exit 70 ramp. He noted that the projected year for the revision is 2023, therefore, he is unsure when the construction will happen. Discussion ensued regarding the proposed ramp revision.

RE: ORDINANCE NO. 1349

Mayor Taylor presented Ordinance No. 1349, an ordinance amending and reenacting Chapter 13, Streets, Sidewalks and Improvements, by adding Article V. Running Bamboo Ordinance, of the Code of the Town of Wytheville, Virginia, 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. 1349. A motion was made by Vice-Mayor King and seconded by Councilwoman Pattison to suspend the rules and adopt Ordinance No. 1349, an ordinance amending and reenacting Chapter 13, Streets, Sidewalks and Improvements, by adding Article V. Running Bamboo Ordinance, 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. 1349 was adopted on first and final reading.

RE: ORDINANCE NO. 1350

Mayor Taylor presented Ordinance No. 1350, an ordinance amending and reenacting Chapter 5, Cemeteries, Section 5-1. Definitions; Section 5-2. General Rules; and, Section 5-6. Monument Work and Markers, of the Code of the Town of Wytheville, Virginia, 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. 1350. A motion was made by Councilman Bloomfield and seconded by Councilman Hand to suspend the rules and adopt Ordinance No. 1350, an ordinance amending and reenacting Chapter 5, Cemeteries, Section 5-1. Definitions; Section 5-2. General Rules; and, Section 5-6. Monument Work and Markers, 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. 1350 was adopted on first and final reading.

RE: CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Mayor Taylor advised the next agenda item is to set a public hearing to consider renewing the Certificates of Public Convenience and Necessity during 2019 for 276 Express, LLC; Richardson Ambulance Service, LLC; and, D19 Transportation Service, Incorporated for the operation of taxicabs. She stated that the Council will note in their packet of information that they could set the public hearing for the December 10, 2018, meeting, which will meet the necessary advertising requirements. Mayor Taylor advised that during the public hearing, the Council will present the inspection reports by the Police Department. She inquired if there is a motion to set the public hearing for December 10, 2018. A motion was made by Vice-Mayor King and seconded by Councilman Hand to set a public hearing for the December 10, 2018, Town Council meeting, at 7:00 p.m., in the Council Chambers, to consider the issuance of Certificates of Public Convenience and Necessity during 2019 for 276 Express, LLC; Richardson Ambulance Service, LLC; and, D19 Transportation Service, Incorporated for the operation of taxicabs. Mayor Taylor inquired if there was any discussion on the motion to set the public hearing. 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: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded and carried to adjourn the meeting (7:32 p.m.).

Beth A. Taylor, Mayor

Sharon G. Corvin, CMC, Town Clerk

BUDGET AND FINANCE COMMITTEE REPORT

NOVEMBER 13, 2018

1. Later in the meeting, the Council will consider an amendment to the Town Code that will prohibit and/or control "running" bamboo. This is a plant that has been identified by the Virginia Department of Agriculture and the State legislature to be detrimental to the State's lands. The Town of Wytheville has determined that the planting or the growing of running bamboo within the Town of Wytheville has been, and will continue to be, destructive to the natural environment and destructive to structures and walkways on properties adjoining and neighboring those properties where running bamboo has been planted or permitted to grow. Because of these effects, the planting or the growing of running bamboo threatens the value and physical integrity of both public and private properties. The Council believes that it is important that we take measures to control this invasive species and that we provide regulations concerning its presence. We believe that property owners have a duty to contain running bamboo and to provide containment measures as may be needed to protect adjacent properties. The ordinance will also provide penalties for those people failing to abide. It would be the recommendation of the Budget and Finance Committee that this ordinance be adopted on first and final reading when it is considered.
2. We have made application to the Virginia Department of Transportation for design and construction funds for the first phase of a sidewalk along North Fourth Street from a point near McDonald's northward toward the Northwinds apartment

complex. Frequently, there are pedestrians in this area and we believe that the installation of a sidewalk in this area would be a vast safety improvement for those people who are currently walking along North Fourth Street. To accompany the application, it is required for the Town Council to adopt a resolution pledging at least 20 percent of the funding needed for the project. Currently, the design and construction for this project is estimated to be \$720,000. The Town's portion, when complete, would be slightly over \$140,000. We would not anticipate that the approval of this project nor the funding would occur prior to the year 2020. It would be the recommendation of the Budget and Finance Committee that we proceed with the adoption of the resolution to the Virginia Department of Transportation seeking this funding.

Jacqueline K. King

Cathy D. Pattison

PUBLIC WORKS COMMITTEE REPORT

NOVEMBER 13, 2018

1. Later in the meeting, the Council will consider an amendment to the Town Code which will revise regulations for the operations of the Town's cemeteries. The Town's cemeteries consist of the West End Cemetery, East End Cemetery and the Oakwook Cemetery. Currently, the Town's regulations provide that 60 percent of the payment received for the sale of a grave space be put into a Perpetual Care Fund, which is held and administered by a third-party trustee. At this time, the trustee holding the cemetery maintenance funds is Wells Fargo. There are many needs in the three cemeteries, and we believe that we can do a better job handling the cemetery funds than a third-party trustee. The revision that is being proposed this evening will eliminate the requirement that 60 percent of the sale price of a grave space be put into the Perpetual Care Fund. Currently, we are in the process of having Wells Fargo return the principal amount held in the Cemetery Perpetual Care Fund. The other revision that is proposed to the ordinance would be to make it allowable for certain improvements, as authorized by the Town Council, to be performed on monuments. There are a number of monuments in all three cemeteries that are very historical in nature and in a deteriorated state of repair. In all of these situations, there are no family members available to provide care or maintenance for these monuments. At present, the regulations prohibit the use of Town funds for any work on monuments in any of the three cemeteries. This revision will allow the Council to authorize certain repair activities to be performed when it is deemed appropriate. It would be the recommendation of the Public Works

Committee that this ordinance be considered on first and final reading and be adopted. Certainly, if there are any concerns, we could delay the adoption, but we do not see that there is any practical reason not to extend the revisions to the regulations.

2. At the last meeting of Council, we had noted that we had received an inquiry from several citizens with regard to the need for guardrail on Reed Creek Mill Road. As you may recall, there is a new property owner who has cut a number of trees along the boundary of this roadway, and their absence has now created a certain safety issue. There are, basically, two sections of roadway in need of guardrail in this location, but the lower section seems to be more critical. We have received quotations on both the lower and upper sections and both cost approximately \$28,000 each. Given that this was an unbudgeted matter, we want to proceed in a fashion that will allow us to do this over a period of two budget cycles. It would be the recommendation of the Public Works Committee that we proceed with installing the lower portion of guardrail at a cost of approximately \$27,900. We would like to delay the installation of the upper portion of the guardrail until the next budget cycle, and it is estimated that this portion of guardrail will cost \$28,220. It would be the recommendation of the Public Works Committee that we authorize the Town Manager to proceed with the installation of the guardrail as described above.

Joseph E. Hand, Jr.

Mark J. Bloomfield