

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, NOVEMBER 26, 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, Whitley Lester, Charlie Lester, Police Officer Lonnie Anders

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 November 13, 2018. 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 Vice-Mayor King and seconded by Councilman Bloomfield to approve the consent agenda consisting of the minutes of the regular meeting of November 13, 2018, 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 no one indicated on the sign in sheet that they wished to address the Council during Citizens' Period, therefore, she would proceed with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The Council Work Session will be held on Tuesday, November 27, 2018, at 7:00 a.m., in the Council Conference Room.
2. Town Manager Sutherland noted the Christmas Festivities planned for the upcoming weekend. He commented that there would be a variety of activities held on Friday, November 30, 2018, and Saturday, December 1, 2018, including the Christmas Parade.
3. The Town of Wytheville Museums will host an Open House for Town employees and Town Council on Monday, December 3, 2018, from 4:00 p.m. to 5:30 p.m., at the Rock House Museum.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilwoman Pattison, reporting for the Budget and Finance Committee, stated that as the Budget and Finance Committee reported at the last meeting of Council, it is the plans to terminate the Town's relationship with Wells Fargo as the third party trustee for the East End and West End Cemeteries Perpetual Care Trust Fund. She noted that Town Attorney Chris Menerick has contacted Wells Fargo previously and advised them of the Council's intent to take such an action. Councilwoman Pattison explained that Wells Fargo did not respond in a timely fashion and Town Attorney Menerick requested instructions on how to proceed with terminating the trustee arrangement. She commented that the Town has now received a listing of actions and documents from Wells Fargo that must be executed as a part of the relocation process. Councilwoman Pattison explained that later in the meeting, the Council will consider a resolution that notes it is the Town's intent to terminate the relationship and that Town staff is authorized to execute the documents that will accomplish this goal. She stated that there is approximately \$415,000.00 in the trust fund. Councilwoman Pattison noted that Wells Fargo has noted that they will deduct some amount of money, the Committee presumes in the range of \$5,000.00, for its administrative fees over the period of time that they have handled the trust. She commented that the Town Council believes that they can better control the use of the money for the maintenance of the cemeteries themselves rather than entrusting this to a third party trustee.

Councilwoman Pattison advised that it would be the recommendation of the Budget and Finance Committee that the Council adopt the resolution authorizing the relocation and that the Town proceed with sending all of this information and documentation to Wells Fargo as soon as possible.

Councilwoman Pattison, also, reported that, recently, the Town received an inquiry concerning its policy on companion animals. She noted that, interestingly, as the Town started researching this question, staff found that there is a distinct difference between “so called” companion animals as compared to the Americans with Disabilities Act (ADA) policies with regard to service dogs. Councilwoman Pattison explained that under Virginia law, the service dog must be identified by leash or harness. She expressed that under the ADA, there is a presumptive requirement that the dog be leashed or harnessed unless it interferes with the dog’s task. Councilwoman Pattison commented that on the side of caution, the Council thinks that it is important to follow Federal guidelines that would prevail in the event of a conflict. She explained that in any event, companion animals, such as animals needed for “emotional support,” are neither recognized under the ADA nor Virginia law. Councilwoman Pattison noted that there is no requirement for anyone to permit them into a facility, if a policy so exists. She stated that the Council has asked Town Attorney Menerick to develop a policy that will be implemented in all Town facilities with regard to service dogs versus companion animals. Councilwoman Pattison explained that Town Attorney Menerick has prepared a guide that responds to questions that may be raised in regard to this topic. She remarked that the document is attached for the Council’s review. Councilwoman Pattison advised that there is no action required by the Council at this time, but the Budget and Finance Committee did want everyone to be aware that the inquiry had been made and the Town is researching the method by which it will develop a policy. 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 last Monday, the Virginia Department of Transportation opened access to the second portion of Community Boulevard. He noted that, originally, Community Boulevard was slated to proceed from Peppers Ferry Road parallel to the interstate and go down to Lithia Road. Councilman Bloomfield explained that because of monetary constraints, the State chose to construct one portion of Community Boulevard at a time. He remarked that the portion of Community Boulevard that was just completed commenced at a point near Cassell Road and proceeded southeast toward Main Street. Councilman Bloomfield commented that this new section of roadway connects East Main Street and Peppers Ferry Road, and, in the long term, will be a valuable roadway to the community. He commented that this new roadway has water and sewer service constructed within the rights of way, and also has a 10 foot sidewalk along the entire length of the roadway. Councilman Bloomfield stated that this project was funded by the Virginia Department of Transportation and cost approximately \$2.5 million. He noted that the Town was responsible for five percent of the construction costs, as well as other improvements such as the installation of the water and sewer systems. Councilman Bloomfield explained that the primary item that remains to be completed on this project will be the installation of the new street lighting that will be completed at a later date by Appalachian Power Company. He remarked that the only unresolved issue with this portion of roadway is establishing the speed limit, which the Public Works Committee would suggest being set at 35 miles per hour. Councilman Bloomfield advised that it would be the recommendation of the Public Works Committee that this speed limit be established, and this portion of roadway so assigned. He stated that, finally, the Public Works Committee would like to note that it thinks this is a valuable roadway for the community in the future, and the Town will be having additional press releases about this project. A motion was made by Councilman Bloomfield and seconded by Councilman Hand to establish the speed limit for the entire length of Community Boulevard as 35 MPH. Mayor Taylor inquired if there was any discussion on the motion to establish the speed limit on Community Boulevard. 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.

Councilman Bloomfield, also, reported that representatives from Downtown Wytheville, Incorporated and other interested citizens have been developing a program, which will kick off the Christmas holiday season. He noted that the festivities will commence on Friday, November 30, 2018, followed by festivities held on Saturday, December 1, 2018. Councilman Bloomfield explained that on Friday evening, the activities are planned to be held in Withers Park, and there will be a variety of events that will include carriage rides, music and a tree lighting ceremony. He commented that this will also coincide with the annual Festival of Trees grand opening that the Wythe Arts Council sponsors each year. Councilman Bloomfield stated that on Saturday, between 10:00 a.m. and 5:00 p.m., there will be a variety of activities going on in the

downtown area such as music, carriage rides, visits by Mr. and Mrs. Claus and other seasonal activities. He commented that later in the evening, at 6:00 p.m., the annual Christmas Parade will be held on Main Street. Councilman Bloomfield remarked that it appears that it will be a very fun filled two days and something that everyone will enjoy attending. He noted that the Council invites everyone to come out and participate in these community activities. A copy of the Public Works Committee report is attached and made part of these minutes.

RE: APPOINTMENTS – BUILDING CODE APPEALS BOARD

Mayor Taylor advised that the next agenda item is to consider an appointment of a member to the Building Code Appeals Board to fill the expired term of Mr. Stanley King (term expired July 26, 2018). She noted that Mr. King is not eligible for reappointment. Mayor Taylor commented that the appointment would be for a five year term. She inquired if there is a motion concerning the appointment of a member to the Building Code Appeals Board. A motion was made by Vice-Mayor King and seconded by Councilman Hand to appoint Mr. William D. Turner, III to the Building Code Appeals Board (term expires July 26, 2023). Mayor Taylor inquired if there was any discussion on the motion to appoint Mr. Turner to the Building Code Appeals Board. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Beth A. Taylor, Jacqueline K. King, Joseph E. Hand, Jr., Mark J. Bloomfield, Cathy D. Pattison. Against: None.

RE: RESOLUTION – EAST END AND WEST END CEMETERIES PERPETUAL CARE TRUST FUNDS AGREEMENT

Mayor Taylor advised the next agenda item is to consider a resolution regarding the revocation of the East End and West End Cemeteries Perpetual Care Trust Funds Agreement. She read the resolution, which is attached and made part of these minutes. Mayor Taylor inquired if there is a motion to adopt the resolution regarding the revocation of the Perpetual Care Trust Funds Agreement. A motion was made by Vice-Mayor King and seconded by Councilman Bloomfield to adopt a resolution regarding the revocation of the East End and West End Cemeteries Perpetual Care Trust Funds Agreement and to authorize the Town Manager, Town Treasurer and/or the Town Attorney to execute the necessary documents for this transaction. Mayor Taylor inquired if there was any discussion on the motion to adopt the resolution. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Beth A. Taylor, Jacqueline K. King, Joseph E. Hand, Jr., Mark J. Bloomfield, Cathy D. Pattison. Against: None.

RE: DISPENSING WITH DECEMBER MEETING

Mayor Taylor advised the next agenda item is to consider dispensing with the December 24, 2018, Town Council meeting due to the Christmas holidays. It was the consensus of the Council to dispense with the December 24, 2018, Council meeting due to the Christmas holidays.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded and carried to adjourn the meeting (7:13 p.m.).

Beth A. Taylor, Mayor

Sharon G. Corvin, CMC, Town Clerk