

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, FEBRUARY 11, 2019, AT 7:00 P.M.**

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

Members absent: Joseph E. Hand, Jr.

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, Jeffrey Kyle, Police Officer Chastity Russell, Police Intern Latricia Young

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 (1) the minutes of the regular meeting of January 28, 2019; (2) the requests of George Wythe High School After Prom Committee for: (a) issuance of a Special Exception Facility Use Permit to conduct their After Prom activities at the Wytheville Recreation Center on April 12 and 13, 2019, and (b) for waiver of fees for use of the Wytheville Recreation Center for these After Prom activities on April 12 and 13, 2019; (3) the request of the Wythe County Historical Society for issuance of a raffle permit for calendar year 2019; and, (4) the request of the American Cancer Society Relay for Life Teams for issuance of a raffle permit for calendar year 2019. 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 (1) the minutes of the regular meeting of January 28, 2019; (2)(a) the request of George Wythe High School After Prom Committee for issuance of a Special Exception Facility Use Permit to conduct their After Prom activities at the Wytheville Recreation Center on April 12 and 13, 2019; (3) the request of the Wythe County Historical Society for issuance of a raffle permit for calendar year 2019; and, (4) the request of the American Cancer Society Relay for Life Teams for issuance of a raffle permit for calendar year 2019, and, to deny (2)(b) the request of the George Wythe High School After Prom Committee for waiver of fees for use of the Wytheville Recreation Center for the After Prom activities on April 12 and 13, 2019. Mayor Taylor inquired if there was any discussion on the motion to approve numbers one, three, four and part "a" of number two of the consent agenda, but to deny part "b" of number two. 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, Mark J. Bloomfield, Cathy D. Pattison. Against: None.

Town Manager Sutherland noted that the Council could discuss the Recreation Department fees for the After Prom activities at the next Work Session, if the Council desires to revise the fees. He noted that there is a current fee schedule in place, which includes a per person fee.

RE: PUBLIC HEARING

Mayor Taylor advised that the meeting constituted a public hearing (due notice having been given) to consider increasing the amount of bonds, not to exceed \$1,386,000, for capital improvements to the Town sewer system. She noted that, as the Council will recall, this bond is for the Edgemont Sewer Project. Mayor Taylor inquired if there is anyone who wished to address the Council during the public hearing. There being none, she declared the public hearing closed and proceeded with the agenda.

RE: CITIZENS' PERIOD

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

RE: OLD BUSINESS

Under Old Business, Town Manager Sutherland reported the following:

1. The Council Work Session will be held on Tuesday, February 12, 2019, at 7:00 a.m., in the Council Conference Room.

2. The Wytheville Recreation Commission will meet on Wednesday, February 13, 2019, at 5:30 p.m., at the Wytheville Community Center.
3. The Tree Advisory Committee will meet on Thursday, February 14, 2019, at 8:30 a.m., in Conference Room A of the Municipal Building.
4. The Wytheville Planning Commission will meet on Thursday, February 14, 2019, at 6:00 p.m., in the Council Chambers.
5. The Town of Wytheville Municipal Offices will be closed and services curtailed on Monday, February 18, 2019, in observance of Presidents' Day.
6. The New River Regional Water Authority will meet on Thursday, February 21, 2019, at 10:00 a.m., in the Council Chambers.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, stated that earlier in the meeting, the Council conducted a public hearing to consider the issuance of a General Obligation Bond in the amount of \$1,386,000 for the construction of sewer infrastructure known as the Edgemont Sewer Project. She noted that as this project proceeds, it is necessary that the Council adopt a resolution acknowledging that the issuance of this bond is approved. Vice-Mayor King explained that the Town's Bond Counsel, Mr. F. D. Webster Day with Spillman Thomas & Battle, PLLC, has prepared this resolution, as well as all other documents associated with the bond program. She advised that as such, it would be the recommendation of the Budget and Finance Committee that the resolution supplementing and amending a resolution by which the Council of the Town of Wytheville authorized the issuance of a General Obligation Bond be approved, in order to increase the maximum amount of the bond to \$1,386,000.

Vice-Mayor King, also, reported that the Town has been approached by Mr. David Clark who is developing the 7 Sisters Brewery on East Main Street in a portion of the former R. P. Johnson property about the procurement of a low interest loan. She stated that Mr. Clark hopes that his construction will be complete, and the brewery will be operational, by this spring. Vice-Mayor King explained that the 7 Sisters Brewery is eligible to receive certain Tobacco Region Opportunity Funds (TROF) as a part of their financing program. She remarked that the 7 Sisters Brewery is eligible for \$10,000 in grant funds, as well as \$10,000 in a low interest loan. Vice-Mayor King commented that the low interest loan must be requested and procured by a governmental entity. She stated that Mr. Clark has approached the Town and requested that the Town assist him in obtaining this financing. Vice-Mayor King noted that the Tobacco Region Board requires that the Town have some type of surety on the loan. She explained that Mr. Clark has provided the Town with a list of assets that can be used to secure the \$10,000 loan. Vice-Mayor King advised that the Budget and Finance Committee believes that it is worthwhile to proceed with this project, therefore, the Committee would move to assist Mr. Clark with this project and request Town Attorney Menerick to provide documents, as needed, to hold the Town harmless and to secure the note. A motion was made by Vice-Mayor King and seconded by Councilwoman Pattison for the Council to approve for the Town to apply for a Tobacco Region Opportunity Funds low interest loan for Mr. David Clark with 7 Sisters Brewery and to request the Town Attorney to provide documents to hold the Town harmless and to secure the note. Mayor Taylor inquired if there was any discussion on the motion to approve for the Town to apply for the funding for Mr. David Clark with 7 Sisters Brewery and to request the Town Attorney to provide documents to hold the Town harmless and to secure the note. 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, Mark J. Bloomfield, Cathy D. Pattison. Against: None. A copy of the Budget and Finance Committee report is attached and made part of these minutes.

Town Manager Sutherland noted that Joint Industrial Development Authority Executive Director David Manley will be providing the Council with a letter from the Tobacco Region Board stating exactly how they require the application letter to be written. He noted that, to date, he has not received the letter.

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Bloomfield, reporting for the Public Works Committee, stated that later in the meeting, the Council will consider an ordinance which will amend the Town Code with regard to excessive noise. He noted that there are two revisions that will be included in this amendment. Councilman Bloomfield explained that, first, the Public Works Committee has proposed that the punishment definition be revised to provide that a fine up to \$300 may be imposed for a first offense. He commented that this revision allows the court to make a determination as to the

appropriate level of punishment. Councilman Bloomfield remarked that, secondly, the ordinance will amend the distance at which a noise becomes offensive. He stated that, currently, for commercial vehicles and trash collection operations, the definition states that the noise must be plainly audible at any residence 100 or more yards away. Councilman Bloomfield noted that the Public Works Committee has revised this to 50 yards. He commented that the Public Works Committee thinks that this provides a higher level of protection in certain neighborhoods. Councilman Bloomfield advised that when the ordinance is considered later in the meeting, it would be the recommendation of the Public Works Committee that it be adopted on first and final reading.

Councilman Bloomfield, also, reported that, secondly, the Council will consider yet another ordinance amendment later in the meeting with regard to the limitation of terms for Council appointments. He explained that the Town Code, currently, provides that a person can serve two terms but is not eligible for reappointment to that specific Commission, Committee or Board until at least one year has passed following the expiration of the second term. Councilman Bloomfield noted that the Town has some people who have served on Committees that are very good members, and, often, Council has a difficult time recruiting people to serve on these Committees. He stated that the ordinance amendment that is suggested at this meeting would allow the Council, in its sole discretion, to reappoint a member to another successive term on a Committee, if it is deemed appropriate by the Council. Councilman Bloomfield advised that, likewise, when this ordinance is considered later in the meeting, it would be the recommendation of the Public Works Committee that the ordinance be adopted on first and final reading. A copy of the Public Works Committee report is attached and made part of these minutes.

RE: APPOINTMENTS – WYTHEVILLE INDUSTRIAL DEVELOPMENT AUTHORITY

Mayor Taylor advised that the next agenda item is to consider the appointment of a member to the Wytheville Industrial Development Authority to fill the unexpired term of Mr. Mark Bloomfield (term expires December 12, 2020). A motion was made by Councilwoman Pattison and seconded by Vice-Mayor King to appoint Mr. Judson Lambert to the Wytheville Industrial Development Authority to fill the unexpired term of Mr. Mark Bloomfield (term expires December 12, 2020). Mayor Taylor inquired if there was any discussion on the motion to appoint Mr. Lambert to the Wytheville Industrial Development Authority. 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, Mark J. Bloomfield, Cathy D. Pattison. Against: None.

RE: APPOINTMENTS – BUILDING CODE APPEALS BOARD

Mayor Taylor advised that the next agenda item is to consider the appointment of a member to the Building Code Appeals Board to fill the expired term of Mr. Emery Pruett (term expired July 26, 2018). She explained to the Council that this appointment is for a five year term, which expires July 26, 2023, due to the fact that the period of the five year term began at the time that the seat became vacant and not at the time of appointment. A motion was made by Vice-Mayor King and seconded by Councilman Bloomfield to appoint Mr. Dennis Manuel 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. Manuel to the Building Code Appeals Board. Councilwoman Pattison inquired of Mayor Taylor if Mr. Manuel is aware that the appointment is for a five year term. It was noted that Mr. Manuel is aware of the length of the term. Mayor Taylor stated, however, Mr. Manuel's term will only be a four year term because the term began at the time that the seat became vacant, which was July 26, 2018. 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, Jacqueline K. King, Mark J. Bloomfield, Cathy D. Pattison. Against: None.

RE: APPOINTMENTS – WYTHEVILLE PLANNING COMMISSION

Mayor Taylor advised that the next agenda item is to consider the appointment/reappointment of a member to the Wytheville Planning Commission to fill the expiring term of Mr. Bradley Tate (term expires March 2, 2019). She noted that this is a four year term, and Mr. Tate stated that he is willing to serve another term. A motion was made by Vice-Mayor King and seconded by Councilman Bloomfield to reappoint Mr. Bradley Tate to the Wytheville Planning Commission (term expires March 2, 2023). Mayor Taylor inquired if there was any discussion on the motion to reappoint Mr. Tate to the Wytheville Planning Commission. 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, Mark J. Bloomfield, Cathy D. Pattison. Against: None.

RE: ORDINANCE NO. 1353

Mayor Taylor presented Ordinance No. 1353, an ordinance amending and reenacting Chapter 9, Offenses - Miscellaneous, Article V. Noise, Section 9-112. Excessive Noise - Punishments, and Section 9-113. Same – Specific Prohibitions, of the Code of the Town of Wytheville, Virginia, on first reading. A motion was made by Vice-Mayor King and seconded by Councilman Bloomfield to suspend the rules and adopt Ordinance No. 1353, an ordinance amending and reenacting Chapter 9, Offenses - Miscellaneous, Article V. Noise, Section 9-112. Excessive Noise - Punishments, and Section 9-113. Same – Specific Prohibitions, 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, Mark J. Bloomfield, Cathy D. Pattison

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1353 was adopted on first and final reading.

RE: ORDINANCE NO. 1354

Mayor Taylor presented Ordinance No. 1354, an ordinance amending and reenacting Chapter 2, Administration, Article VI. Council Appointments, Section 2-211. Limitation of Term, of the Code of the Town of Wytheville, Virginia, on first reading. A motion was made by the Public Works Committee, which does not require a second, to suspend the rules and adopt Ordinance No. 1354, an ordinance amending and reenacting Chapter 2, Administration, Article VI. Council Appointments, Section 2-211. Limitation of Term, 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, Mark J. Bloomfield, Cathy D. Pattison

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1354 was adopted on first and final reading.

RE: RESOLUTION – SEWER BONDS

Mayor Taylor advised the next agenda item is to consider a resolution authorizing the increase of bonds, not to exceed the maximum amount of \$1,386,000, for capital improvements to the Town sewer system. Mayor Taylor inquired if there is a motion to adopt the resolution authorizing the increase of bonds for capital improvements to the Town sewer system. A motion was made by Vice-Mayor King and seconded by Councilwoman Pattison to adopt a resolution authorizing the increase of bonds, not to exceed \$1,386,000, for capital improvements to the Town sewer system. 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, 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 (7:15 p.m.).

Beth A. Taylor, Mayor

Sharon G. Corvin, CMC, Town Clerk

BUDGET AND FINANCE COMMITTEE REPORT

FEBRUARY 11, 2019

1. Earlier this evening, the Council conducted a public hearing to consider the issuance of a General Obligation Bond in the amount of \$1,386,000 for the construction of sewer infrastructure known as the Edgemont Sewer Project. As this project proceeds, it is necessary that the Council adopt a resolution acknowledging that the issuance of this bond is approved. Our Bond Counsel, Mr. F. D. Webster Day with Spillman Thomas & Battle, PLLC, has prepared this resolution, as well as all other documents associated with the bond program. As such, it would be the recommendation of the Budget and Finance Committee that the resolution supplementing and amending a resolution by which the Council of the Town of Wytheville authorized the issuance of a General Obligation Bond be approved, in order to increase the maximum amount of the bond to \$1,386,000.
2. We have been approached by Mr. David Clark who is developing the 7 Sisters Brewery on East Main Street in a portion of the former R. P. Johnson property about the procurement of a low interest loan. Mr. Clark hopes that his construction will be complete, and the brewery will be operational, by this spring. The 7 Sisters Brewery is eligible to receive certain Tobacco Region Opportunity Funds (TROF) as a part of their financing program. The 7 Sisters Brewery is eligible for \$10,000 in grant funds, as well as \$10,000 in a low interest loan. The low interest loan must be requested and procured by a governmental entity. Mr. Clark has approached the Town and requested that we assist him in obtaining

this financing. The Tobacco Region Board requires that we have some type of surety on the loan. Mr. Clark has provided us with a list of assets that can be used to secure the \$10,000 loan. We believe that it is worthwhile to proceed with this project, therefore, we would move to assist Mr. Clark with this project and request Town Attorney Menerick to provide documents, as needed, to hold the Town harmless and to secure the note.

Jacqueline K. King

Cathy D. Pattison

PUBLIC WORKS COMMITTEE REPORT

FEBRUARY 11, 2019

1. Later this evening, the Council will consider an ordinance which will amend the Town Code with regard to excessive noise. There are two revisions that will be included in this amendment. First, we have proposed that the punishment definition be revised to provide that a fine up to \$300 may be imposed for a first offense. This revision allows the court to make a determination as to the appropriate level of punishment. Secondly, the ordinance will amend the distance at which a noise becomes offensive. Currently, for commercial vehicles and trash collection operations, the definition states that the noise must be plainly audible at any residence 100 or more yards away. We have revised this to 50 yards. We think that this provides a higher level of protection in certain neighborhoods. When the ordinance is considered later this evening, it would be the recommendation of the Public Works Committee that it be adopted on first and final reading.
2. Secondly, the Council will consider yet another ordinance amendment this evening with regard to the limitation of terms for Council appointments. The Town Code, currently, provides that a person can serve two terms but is not eligible for reappointment to that specific Commission, Committee or Board until at least one year has passed following the expiration of the second term. We have some people who have served on Committees that are very good members, and, often, we have a difficult time recruiting people to serve on these Committees. The ordinance amendment that is suggested this evening would allow the Council, in its sole

discretion, to reappoint a member to another successive term on a Committee, if it is deemed appropriate by the Council. Likewise, when this ordinance is considered this evening, it would be the recommendation of the Public Works Committee that the ordinance be adopted on first and final reading.

Joseph E. Hand, Jr.

Mark J. Bloomfield