

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, OCTOBER 14, 2019, 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, Leslie Woodzell, Marie B. Bishop, Megan Hoback, Mike Forrest, Kevin Varney, Patrol Sergeant Lonnie Anders, Patrol Officer John 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 Councilwoman Pattison.

RE: CONSENT AGENDA

Mayor Taylor presented the consent agenda consisting of the minutes of the regular meeting of September 23, 2019. Mayor Taylor inquired if there was a motion to approve the consent agenda as presented or to somehow be amended. A motion was made by Councilman Hand and seconded by Councilwoman Pattison to approve the consent agenda consisting of the minutes of the regular meeting of September 23, 2019, 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: PUBLIC HEARING – ZONING ORDINANCE AMENDMENT – TEMPORARY FAMILY HEALTH CARE STRUCTURES

Mayor Taylor advised that the meeting constituted a public hearing (due notice having been given) to consider amendments to the Zoning Ordinance, Article III - Definitions, to add Section 3-20A Caregiver, Section 3-57C Mentally or Physically Impaired Person and Section 3-81B Temporary Family Health Care Structure; and, to add the use of Temporary Family Health Care Structure to the following Zoning Districts: Article V – Agricultural District A-1; Article VI – Residential District R-1; Article VI-A – Residential District R-1A; Article VI-M – Residential District R-1M; Article VII – Residential District R-2; Article VII-A – Residential District R-2 FH; Article VIII – Residential District R-3; Article VIII-A – Residential District R-3 MH; Article X – Business District B-1; Article XI – Business District B-2 (General); Article XI-A - Business District B-2 DT General Business District – Downtown; and, Article XII – Industrial District M-1. Mayor Taylor inquired if there were citizens attending the meeting who wished to address the Council regarding this public hearing. There being no citizens attending the meeting to address the Council during this public hearing, Mayor Taylor declared the public hearing closed and proceeded with the agenda.

RE: PUBLIC HEARING – ZONING ORDINANCE AMENDMENT – DOG PARKS

Mayor Taylor advised that the meeting constituted a public hearing (due notice having been given) to consider amendments to the Zoning Ordinance, Article III - Definitions, to add Section 3-25A Dog Park; and to amend Article XII – Industrial District M-1 and Article XIII – Industrial District M-2 to add the use of dog park. Mayor Taylor commented that there is one citizen who noted on the sign in sheet that they wished to address the Council during this public hearing, therefore, she would ask Ms. Leslie Woodzell to please come to the podium at this time.

Ms. Leslie Woodzell was recognized and stated that she resides at 380 West Madison Street in Wytheville. She commented that she owns two dogs and loves dog parks, and she thinks that every town should have a dog park. She remarked that it is her understanding that the dog park is going to be adjacent to her residence. Ms. Woodzell advised that she is not opposed to this, however, she is concerned about the hours of operation, and, inquired if there is a stipulation anywhere in the proposed ordinance regarding the dog park hours of operation. She explained that she is concerned about the noise level regarding the barking, etc. of the dog park. Mayor Taylor stated that, at this time, there has not been an application submitted to the Town to open a dog park. Town Manager Sutherland explained that the proposed ordinance does not address the hours of operation. Discussion ensued about the hours of operation, the Town's Noise Ordinance, etc. in regard to Ms. Woodzell's concerns. Ms. Woodzell thanked the Council for allowing her to speak. Mayor Taylor thanked Ms. Woodzell for addressing the Council during the public hearing. There being no other citizens attending the meeting to address the Council during this public hearing, Mayor Taylor declared the public hearing closed and proceeded with the agenda.

RE: PUBLIC HEARING – RESOLUTION FOR CONVEYANCE OF PROPERTY

Mayor Taylor advised that the meeting constituted a public hearing (due notice having been given) to consider a resolution regarding the conveyance of a portion of real property located at the intersection of Chapman Road and Echo Valley Road, which is located to the immediate south of Chapman Road and to the immediate west of Echo Valley Road. Mayor Taylor inquired if there were citizens attending the meeting who wished to address the Council regarding this public hearing. Mayor Taylor advised that action on this matter will be taken at another meeting of the Town Council. There being no citizens attending the meeting to address the Council during this public hearing, Mayor Taylor declared the public hearing closed and proceeded with the agenda.

RE: PUBLIC HEARING – VARNEY SPECIAL EXCEPTION PERMIT REQUEST

Mayor Taylor advised that the meeting constituted a public hearing (due notice having been given) to consider the request of Mr. Kevin Varney for a Special Exception Permit to operate a Warehouse and Type 1 Warehouse at 2190 West Ridge Road (former A-1 Flea Market property), which is located on the north side of West Ridge Road between the Town Corporate Limit Line and Knollwood Lane, in a B-1 Business Zoning District. Mayor Taylor inquired if Mr. Varney would like to speak regarding his Special Exception Permit request. Mr. Kevin Varney commented that he would only speak if he needed to address any questions or comments. Mayor Taylor inquired if there were any citizens attending the meeting who wished to address the Council during this public hearing. There being no citizens attending the meeting to address the Council during this public hearing, Mayor Taylor 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 inquired if there were any citizens who wished to address the Council during Citizens' Period.

Ms. Leslie Woodzell was recognized and stated that she resides at 380 West Madison Street in Wytheville. She inquired of the Council that if a business is located in the M-1 Industrial Zoning District, would there be set hours of operation. Town Manager Sutherland stated that there are no set operating hours for businesses located in the M-1 Industrial Zoning District. Ms. Woodzell inquired if a business located in the M-1 Industrial Zoning District can operate whenever desired. Town Manager Sutherland stated that is correct. Ms. Woodzell thanked the Council for allowing her to address them. Mayor Taylor thanked Ms. Woodzell for her comments.

Mayor Taylor noted that there were no other citizens attending the meeting who 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 next Council Work Session will be held on Tuesday, October 15, 2019, at 7:00 a.m., in the Council Conference Room.
2. The New River Regional Water Authority will meet on Thursday, October 17, 2019, at 10:00 a.m., in the Council Chambers.
3. The Joint Industrial Development Authority of Wythe County will meet on Thursday, October 24, 2019, at 3:00 p.m., in the Council Chambers.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Vice-Mayor King, reporting for the Budget and Finance Committee, stated that 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. She noted that 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. Vice-Mayor King explained that when the budget was adopted this past year, the reimbursement that was established in the budget document was 55.70 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. She noted that it has now been determined that the reimbursement percentage from the State will need to be established at 50.50 percent. Vice-Mayor King advised that Town Treasurer Stephens would request, and the Budget and Finance Committee would recommend,

that the Council take an action to establish the reimbursement percentage at the above described amount. A motion was made by Vice-Mayor King and seconded by Councilwoman Pattison to establish the State personal property tax reimbursement rate at 50.50 percent. Mayor Taylor inquired if there was any discussion on the motion to establish the rate at 50.50 percent. 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.

Vice-Mayor King, also, reported that earlier in the meeting, the Council conducted a public hearing to consider an amendment to the Zoning Ordinance which would permit Temporary Family Health Care Structures in the rear yard of a home. She explained that these structures are restricted to a size of no more than 300 gross square feet and are to be used to house family members who have physical or mental impairments. Vice-Mayor King noted that the language in this ordinance parallels State law and will be applicable in all zoning districts where single family dwellings are permitted. She remarked that once there is no longer a need for the Temporary Family Health Care Structure, it must be removed from the property within a period of 60 days. Vice-Mayor King stated that the structure is only available for family members. She advised that it would be the recommendation of the Budget and Finance Committee that this ordinance be approved on first and final reading, when it is considered later in the meeting. 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 the Town Council conducted a public hearing earlier in the meeting to receive comments on creation of language within the Zoning Ordinance that would allow dog parks. He noted that, currently, there is no zoning district in the town that allows the creation of a dog park. Councilman Bloomfield explained that the Public Works Committee thinks that there is a large public interest in the creation of a dog park and thinks that locating them in the industrial zoning districts is appropriate. He advised that 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 the first of at least two readings.

Councilman Bloomfield, also, reported that now that autumn is upon us, the leaves are starting to fall. He explained that as usual, the Public Works Department has had several inquiries with regard to its annual Leaf Collection Program. Councilman Bloomfield stated that it is anticipated that Town forces will begin collecting leaves at the curbside around the first of November. He noted 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 the Public Works Department approaches this cleanup effort, it would like to remind Town citizens to rake the leaves up to the side of the street, but not into the street. He commented that the accumulation of large quantities of leaves in the street tends to create traffic hazards. Councilman Bloomfield stated that the Town's citizens should not pile any leaves into the street that will create any type of impediment to vehicular traffic. He noted that the Public Works Committee would, also, like to note that the next brush pick up week is November 25 - 29. Councilman Bloomfield expressed that the 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 commented 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. A copy of the Public Works Committee report is attached and made part of these minutes.

RE: ORDINANCE NO. 1370 – TEMPORARY FAMILY HEALTH CARE STRUCTURES

Mayor Taylor presented Ordinance No. 1370, an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, to make amendments to Article III - Definitions, to add Section 3-20A Caregiver, Section 3-57C Mentally or Physically Impaired Person and Section 3-81B Temporary Family Health Care Structure; and, to add the use of Temporary Family Health Care Structure to the following Zoning Districts: Article V – Agricultural District A-1; Article VI – Residential District R-1; Article VI-A – Residential District R-1A; Article VI-M – Residential District R-1M; Article VII – Residential District R-2; Article VII-A – Residential District R-2 FH; Article VIII – Residential District R-3; Article VIII-A – Residential District R-3 MH; Article X – Business District B-1; Article XI – Business District B-2 (General); Article XI-A – Business District B-2 DT General Business District – Downtown; and, Article XII – Industrial District M-1, on first reading. A motion was made by Vice-Mayor King and seconded by Councilwoman Pattison to suspend the rules and adopt Ordinance No. 1370, an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, by amending Article III – Definitions, by adding Section 3-20A Caregiver, Section 3-57C Mentally or

Physically Impaired Person and Section 3-81B Temporary Family Health Care Structure; and, by adding the use of Temporary Family Health Care Structure to the following Zoning Districts: Article V – Agricultural District A-1; Article VI – Residential District R-1; Article VI-A – Residential District R-1A; Article VI-M – Residential District R-1M; Article VII – Residential District R-2; Article VII-A – Residential District R-2 FH; Article VIII – Residential District R-3; Article VIII-A – Residential District R-3 MH; Article X – Business District B-1; Article XI – Business District B-2 (General); Article XI-A – Business District B-2 DT General Business District, Downtown; and, Article XII – Industrial District M-1, 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. 1370 was adopted on first and final reading.

RE: ORDINANCE NO. 1371 – DOG PARK

Mayor Taylor presented Ordinance No. 1371, an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, to make amendments to Article III - Definitions, to add Section 3-25A Dog Park; and to amend Article XII – Industrial District M-1 and Article XIII – Industrial District M-2 to add the use of dog park, on first reading. A motion was made by Councilman Bloomfield and seconded by Councilman Hand to approve Ordinance No. 1371, an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, by amending Article III – Definitions, by adding Section 3-25A Dog Park, and by adding this use in Article XII – Industrial District M-1 and Article XIII – Industrial District M-2, on first, but not final, reading. Mayor Taylor inquired if there was any discussion on the motion to approve the ordinance on first, but not 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. 1371 was approved on first, but not final, reading.

RE: ORDINANCE NO. 1372 – LOCAL VEHICLE LICENCSE

Mayor Taylor presented Ordinance No. 1372, an ordinance amending and reenacting Chapter 8, Motor Vehicles and Traffic, Article II. Local Vehicle License, by removing Section 8-31. Penalty for Violation of Article, and Section 14. Taxation, Article II. Property Taxes, by amending Section 14-17. Unpaid Taxes and Assessments, of the Code of the Town of Wytheville, Virginia, on first reading. Mayor Taylor inquired if there is a motion regarding Ordinance No. 1372. A motion was made by Councilman Bloomfield and seconded by Vice-Mayor King to suspend the rules and adopt Ordinance No. 1372, an ordinance amending and reenacting Chapter 8, Motor Vehicles and Traffic, Article II. Local Vehicle License, by removing Section 8-31. Penalty for Violation of Article, and Section 14. Taxation, Article II. Property Taxes, by amending Section 14-17. Unpaid Taxes and Assessments, 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. 1372 was adopted on first and final reading.

RE: ISSUANCE OF SPECIAL EXCEPTION PERMIT – KEVIN VARNEY

Mayor Taylor advised the next agenda item is the issuance of a Special Exception Permit to Mr. Kevin Varney to operate a Warehouse and Type 1 Warehouse at 2190 West Ridge Road (former A-1 Flea Market property), which is located on the north side of West Ridge Road between the Town Corporate Limit Line and Knollwood Lane, in a B-1 Business Zoning District. Mayor Taylor inquired if there is a motion regarding the issuance of the Special Exception Permit. A motion was made by Vice-Mayor King and seconded by Councilman Bloomfield to issue a Special Exception Permit to Mr. Kevin Varney to operate a Warehouse and Type 1 Warehouse at 2190 West Ridge Road (former A-1 Flea Market property), which is located on the north side of West Ridge Road between the Town Corporate Limit Line and Knollwood Lane, in a B-1 Business Zoning District, with the following stipulations: 1.) Any major changes to the exterior of the buildings shall require approval of the Wytheville Planning Commission; 2.) There shall be no more than ten (10) percent of the existing square footage of each building changed without the approval of the Wytheville Planning Commission; 3.) Any site lighting shall be directed at the buildings and not toward the neighborhood; 4.) During construction, the operating hours for the facility shall be limited to 7:00 a.m. to 7:00 p.m., with no limitation on regular operating hours; 5.) All storage shall be required to be indoors; 6.) The facility shall be neatly maintained, grass mowed, shrubbery trimmed, etc.; and, 7.) Failure to comply with these conditions shall be grounds for rescinding this Special Exception Permit. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results: For: Beth A. Taylor, Jacqueline K. King, Mark J. Bloomfield, Cathy D. Pattison. Against: None. Abstentions: Joseph E. Hand, Jr. Councilman Hand advised that he abstained from voting due to a conflict of interest.

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 14, 2019

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 55.70 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 50.50 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.
2. Earlier this evening, the Council conducted a public hearing to consider an amendment to the Zoning Ordinance which would permit Temporary Family Health Care Structures in the rear yard of a home. These structures are restricted to a size of no more than 300 gross square feet and are to be used to house family members who have physical or mental impairments. The language in this ordinance parallels State law and will be applicable in all zoning districts where single family dwellings are permitted. Once there is no longer a need for the Temporary Family Health Care Structure, it must be removed from the

property within a period of 60 days. The structure is only available for family members. It would be the recommendation of the Budget and Finance Committee that this ordinance be approved on first and final reading, when it is considered later this evening.

Jacqueline K. King

Cathy D. Pattison

PUBLIC WORKS COMMITTEE REPORT

OCTOBER 14, 2019

1. The Town Council conducted a public hearing this evening to receive comments on creation of language within the Zoning Ordinance that would allow dog parks. Currently, there is no zoning district in the town that allows the creation of a dog park. We think that there is a large public interest in the creation of a dog park and think that locating them in the industrial zoning districts is appropriate. When this ordinance is considered later this evening, it would be the recommendation of the Public Works Committee that the ordinance be adopted on the first of at least two readings.
2. 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 25 - 29. 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.

Joseph E. Hand, Jr.

Mark J. Bloomfield