



AGENDA

WYTHEVILLE TOWN COUNCIL MEETING

MONDAY, JUNE 10, 2024 AT 5:00 PM

MUNICIPAL BUILDING - 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. **INVOCATION** — VICE-MAYOR CATHY D. PATTISON
2. **CALL TO ORDER** — VICE-MAYOR CATHY D. PATTISON
3. **ESTABLISHMENT OF QUORUM** — VICE-MAYOR CATHY D. PATTISON
4. **PLEDGE OF ALLEGIANCE** - COUNCILWOMAN HOLLY E. ATKINS
5. **APPROVAL OF AGENDA** (requires motion and roll call vote)
6. **6:00 P.M. SCHEDULED RECESS** (if necessary)
7. **CONSENT AGENDA**
 - A.** Minutes of the work session and the regular meeting of May 28, 2024 (requires motion and vote)
8. **PUBLIC HEARINGS, REQUESTS, RESOLUTIONS, COUNCIL DECISIONS**
 - A.** Public hearing to consider the request of Ronald E. Houseman, Jr. and Mark Alan Harman, Trustee of the Mark Alan Harman Trust, to vacate an undeveloped portion of West Pine Street extending between North 16th Street and North 18th Street
 1. Staff Report/Presentation by Director of Public Utilities and Engineering Billy Anderson
 2. Public hearing to consider the request to vacate an undeveloped portion of West Pine Street extending between North 16th Street and North 18th Street
 3. Consideration by the Town Council to adopt Ordinance No. 1435, an ordinance discontinuing and vacating an undeveloped portion of West Pine Street extending between North 16th Street and North 18th Street, in the Town of Wytheville, Virginia, on first and final reading, and to authorize the Town Manager to execute quitclaim deeds conveying the vacated property (requires motion and roll call vote)
 - B.** Consider Ordinance No. 1434, an ordinance renaming Chapter 10, Planning and Development, and repealing Article IV. Erosion and Sediment Control and Article V. Impervious Land Area Stormwater Management, of the Code of the Town of Wytheville, Virginia, on first and final reading
 1. Staff Report/Presentation by Assistant Town Manager Elaine Holeton

2. Consideration by the Town Council to adopt Ordinance No. 1434 on first and final reading **(requires motion and roll call vote)**

C. Consider Ordinance No. 1437, an ordinance establishing a Stand-Alone Policy for an Erosion and Sediment Control Program for the Town of Wytheville, Virginia, on first and final reading

1. Staff Report/Presentation by Assistant Town Manager Elaine Holeyton

2. Consideration by the Town Council to adopt Ordinance No. 1437, an ordinance establishing a Stand-Alone Policy for an Erosion and Sediment Control Program for the Town of Wytheville, Virginia **(requires motion and roll call vote)**

D. Consider scheduling a Work Session to hold a Meet and Greet Session or appointing a member to the Wytheville Tree Advisory Committee to fill the expired term of Mr. David Richert (term expired May 14, 2024)

1. Staff Report/Presentation by Town Clerk Sherry Corvin

2. Consideration by the Town Council to schedule a Work Session to hold a Meet and Greet Session or appoint a member to the Wytheville Tree Advisory Committee **(requires motion and vote)**

9. CITIZENS' PERIOD

10. NEW BUSINESS

11. REPORTS

A. Upcoming Meetings - TOWN CLERK SHERRY CORVIN

12. OTHER BUSINESS

A. Review Ordinance No. 1436, an ordinance to repeal Chapter 7, Licenses and Business Regulations, Article III. Taxicabs, of the Code of the Town of Wytheville, Virginia

1. Staff Report/Presentation by Assistant Town Manager Elaine Holeyton

2. No action required at this time

B. Review of vacancies/upcoming vacancies on Town Committees/Boards/Authorities

1. Staff Report/Presentation by Town Clerk Sherry Corvin

2. No action required

C. Council Member Time

D. Miscellaneous

13. ADJOURNMENT

7-A



MINUTES COUNCIL WORK SESSION

TUESDAY, MAY 28, 2024 AT 4:30 PM
COUNCIL CONFERENCE ROOM 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. UNAPPROVED MINUTES

A. Persons Present:

- Beth Taylor - Mayor
- Cathy Pattison - Vice-Mayor
- Holly Atkins - Council Member
- Candice Johnson - Council Member
- Brian Freeman - Town Manager
- Elaine HOLETON - Assistant Town Manager
- Sherry Corvin - Town Clerk
- Cavin Newman - Police Officer
- Hunter Stuart

Persons Absent:

- Gary Gillman - Council Member

2. ITEMS TO BE DISCUSSED

A. Approval of Agenda

Mayor Taylor advised that the first item on the agenda is the Approval of Agenda, and this required a motion and approval by the Council. She inquired if there was a motion to approve the Work Session agenda.

Motion made by Vice-Mayor Pattison, Seconded by Councilwoman Atkins. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results, by roll call vote: Voting Yea: Councilwoman Johnson, Vice-Mayor Pattison, Councilwoman Atkins, Mayor Taylor.

B. Meet and Greet Session

Mr. Hunter Stuart - Wytheville Tree Advisory Committee

Mr. Hunter Stuart attended the meeting to hold a Meet and Greet Session with the Town Council to be considered for appointment to the Wytheville Tree Advisory Committee. Town Manager Freeman proceeded to ask Mr. Stuart a series of questions regarding his personal interests in serving on the Tree Advisory Committee. Mr. Stuart stated that he moved to Wytheville in 2016, he graduated from

Virginia Tech in 2008 with a Wildlife Science degree and that he is, currently, a Natural Resource Specialist with Virginia Tech College of Natural Resources. Discussion continued regarding Mr. Stuart's background and interests in serving on the Tree Advisory Committee. The Council thanked Mr. Stuart for meeting with them.

3. ADJOURNMENT

There being no further business to be discussed, the Work Session was adjourned. (4:45 p.m.)

T. Brian Freeman, Town Manager

Sharon G. Corvin, CMC, Town Clerk



MINUTES

WYTHEVILLE TOWN COUNCIL MEETING

TUESDAY, MAY 28, 2024 AT 5:00 PM
MUNICIPAL BUILDING - 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. **UNAPPROVED MINUTES**

RE: ATTENDANCE

MEMBERS PRESENT:

Mayor Beth Taylor, Vice-Mayor Cathy Pattison, Councilwoman Holly Atkins, Councilman Gary Gillman, Councilwoman Candice Johnson

MEMBERS ABSENT:

None

OTHERS PRESENT:

Town Manager Brian Freeman, Assistant Town Manager Elaine Holeyton, Town Clerk Sherry Corvin, Director of Public Utilities and Engineering Billy Anderson, Fire Chief Chris Slemp, Police Chief Joel Hash, Police Officer Cavin Newman, Downtown Wytheville, Inc. Executive Director Todd Wolford, Downtown Wytheville, Inc. Assistant Charlie Jones, Wytheville-Wythe-Bland Chamber of Commerce Executive Director Alison Pollard, Open Door Community Executive Director Jordan Stidham, Brian Reed, Jim Cohen, Dave Johnston, Rob Kern, Tammie Lowry, Mike Forrest, Alma Watson, Melissa McWhirter, Bob McWhirter, Chris Fox, Oscar Montgomery, Sherri Runnells, C.J. Patel, Glenda Crockett-Eans, Kerrington Crockett-Eans, Sanjai Patel, Others

2. **RE: CALL TO ORDER**

Mayor Taylor called the meeting to order.

3. **RE: ESTABLISHMENT OF QUORUM**

Mayor Taylor advised that a quorum of Council members was present.

4. **RE: PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Councilman Gillman.

5. **RE: APPROVAL OF AGENDA**

Mayor Taylor advised that the next agenda item is the Approval of Agenda. Town Manager Freeman noted that due to there being no change in the matter, the agenda item designated for a Closed Meeting could be removed from the agenda at the pleasure of the Town Council. Mayor Taylor inquired if there was a motion to approve the amended meeting agenda to remove the Closed Meeting.

Motion made by Councilwoman Atkins, Seconded by Councilwoman Johnson. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results, by roll call vote: Voting Yea: Councilwoman Johnson, Councilwoman Atkins, Mayor Taylor, Vice-Mayor Pattison, Councilman Gillman.

6. RE: 6:00 P.M. SCHEDULED RECESS

Mayor Taylor advised that for informational purposes, the agenda includes a 6:00 p.m. scheduled recess, if necessary.

7. RE: CONSENT AGENDA

Mayor Taylor presented the consent agenda consisting of the minutes of the regular meeting of May 13, 2024. She inquired if there was a motion to approve the minutes of the regular meeting of May 13, 2024, as presented.

Motion made by Councilman Gillman, Seconded by Councilwoman Atkins. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilwoman Atkins, Councilman Gillman, Councilwoman Johnson.

8. RE: PUBLIC HEARINGS, REQUESTS, RESOLUTIONS, COUNCIL DECISIONS

A. RE: MONROE STREET HOUSING PRODUCTION PROJECT - COMMUNITY DEVELOPMENT BLOCK GRANT PRESENTATION

Mayor Taylor advised that the next agenda item is to consider a Community Development Block Grant (CDBG) application for the Monroe Street Housing Production Project. She stated that Assistant Town Manager Holeton will give the Council more information regarding the CDBG application.

Assistant Town Manager Holeton noted that, last summer, Open Door Community approached Town staff regarding the possibility of applying for a Community Development Block Grant (CDBG) to assist with funding for the proposed Monroe North Apartments. She then continued to give the Council some background information regarding the process of the CDBG. Assistant Town Manager Holeton stated that the grant application is due on June 12, 2024, and that the Mount Rogers Planning District Commission (MRPDC), in partnership with Open Door Community, will complete most of the work in preparing the CDBG application. She commented that the purpose of the CDBG will be to obtain funds for civil engineering and the site work needed prior to the building construction. Assistant Town Manager Holeton advised that after the public hearing is held at this meeting, the Town Council will consider a resolution to support the CDBG application for the Monroe Street Housing Production Project.

RE: MONROE STREET HOUSING PRODUCTION PROJECT - PUBLIC HEARING

Mayor Taylor advised that the meeting constituted a public hearing (due notice having been given) to consider a Community Development Block Grant (CDBG) application for the Monroe Street Housing Production Project. She inquired if there

were any citizens present 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: RESOLUTION - MONROE STREET HOUSING PRODUCTION PROJECT

Mayor Taylor advised that the next agenda item is consideration by the Town Council to approve a resolution supporting the Monroe Street Housing Production Project. She inquired if there was a motion to approve a resolution supporting the Monroe Street Housing Production Project.

Motion made by Councilwoman Johnson, Seconded by Councilwoman Atkins. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results, by roll call vote: Voting Yea: Councilman Gillman, Vice-Mayor Pattison, Mayor Taylor, Councilwoman Atkins, Councilwoman Johnson.

B. RE: ORDINANCE NO. 1433, BUDGET ORDINANCE FY 24-25 - STAFF REPORT/PRESENTATION

Mayor Taylor advised that the next agenda item is to consider Ordinance No. 1433, the Budget Ordinance for Fiscal Year 2024-25, on third and final reading. She stated that Town Manager Freeman will give the Council more information on this ordinance.

Town Manager Freeman thanked Town Treasurer Stephens, the Budget and Finance Committee and Assistant Town Manager Holeton for their help in assisting with the budget preparation for Fiscal Year 2024-25. He stated that the proposed budget for the Town of Wytheville for Fiscal Year 2024-25 lays out the financial plan for providing the high-quality services that residents, businesses and visitors have come to expect. He advised that to prepare for the financial year ahead, cautious revenue projections and modest operational increases have been included in the proposed Fiscal Year 2024-25 budget. Town Manager Freeman then continued to present the various items and information that is included in the Town of Wytheville's Fiscal Year 2024-25 budget.

RE: ORDINANCE NO. 1433, BUDGET ORDINANCE FY 24-25 - THIRD AND FINAL READING

Mayor Taylor advised that the next agenda item is the consideration by Town Council to approve Ordinance No. 1433, the Budget Ordinance for Fiscal Year 2024-25, on third and final reading. She inquired if there was a motion to approve Ordinance No. 1433, the Budget Ordinance for Fiscal Year 2024-25, on third and final reading.

Motion made by Vice-Mayor Pattison, Seconded by Councilwoman Atkins. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results, by roll call vote: Councilwoman Johnson, Councilwoman Atkins, Mayor Taylor, Vice-Mayor Pattison, Councilman Gillman.

C. RE: WYTHEVILLE TREE ADVISORY COMMITTEE APPOINTMENT

Mayor Taylor advised that the next agenda item is to consider an appointment of a member to the Wytheville Tree Advisory Committee to fill a vacant position. She inquired if there was a motion to appoint Mr. Hunter Stuart to the Wytheville Tree Advisory Committee for a four (4) year term to fill a vacant position (term expires May 14, 2028).

Motion made by Councilwoman Johnson, Seconded by Councilwoman Atkins. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilwoman Atkins, Councilman Gillman, Councilwoman Johnson.

9. RE: PRESENTATIONS TO TOWN COUNCIL

A. RE: PRESENTATION TO TOWN COUNCIL - PRESENTATION OF THE TOWN OF WYTHEVILLE TREE WALK BROCHURE

Mayor Taylor advised that the next agenda item is a presentation of the Town of Wytheville Tree Walk Brochure by Chairwoman Alma Watson of the Wytheville Tree Advisory Committee. She stated that Ms. Watson will now present more information to the Council regarding the Wytheville Tree Walk Brochure.

Ms. Alma Watson was recognized and stated that she is pleased to give this presentation on behalf of the Tree Advisory Committee. She noted that the Committee has been diligent in their efforts to present the first of, hopefully, many Town of Wytheville Tree Walk Brochures. Ms. Watson then presented information to the Town Council regarding how the Wytheville Tree Walk was developed from the Specimen Tree Program and the process of how the Tree Walk Brochure was created. She noted that the Tree Advisory Committee hopes to debut the Tree Walk Brochure during the Chauatuqua Festival. The Town Council thanked Ms. Watson for her presentation.

B. RE: PRESENTATION TO TOWN COUNCIL - YOUTH ART PROJECT

Mayor Taylor advised that the next agenda item is a presentation by Mr. Oscar Montgomery regarding a youth art project. She stated that Mr. Montgomery will now give the Council some information regarding this art project.

Mr. Oscar Montgomery was recognized and stated that he is a youth ambassador for Downtown Wytheville, Inc. (DTW). He noted that he has worked with DTW, Inc. Executive Director Todd Wolford and Fire Chief Chris Slemp regarding the idea of painting some of the fire hydrants on Main Street. Mr. Montgomery reviewed the process of how this idea of painting the fire hydrants was developed and how they would like to incorporate students into this to make it a youth art project. He stated that their goal is to present the painted fire hydrants at the July 4th Celebration. The Town Council thanked Mr. Montgomery for his presentation.

10. RE: CITIZENS' PERIOD

Mayor Taylor advised that the next agenda item is Citizens' Period. She stated that there are several citizens listed on the sign-in sheet who wished to address the Council during

Citizens' Period. Mayor Taylor requested that citizens who signed in to speak to please come to the podium, state his/her address and to limit comments to three minutes unless speaking on behalf of a group and then individuals are allowed seven minutes.

Mr. Dave Johnston was recognized and stated that he would like to address the Council regarding his concerns about the Town's public alleyway located near his home and his concerns regarding the illegal drug problem in town. He then discussed his concerns regarding these matters with the Council, and he stated that he has also discussed these matters with organizations outside of the Town of Wytheville. Mayor Taylor thanked Mr. Johnston for his comments.

Mr. Matt Fiebieg was recognized and stated that he resides on North 8th Street in Wytheville. Mr. Fiebieg addressed the Town Council on behalf of Virginia Organizing the Wythe County Chapter regarding the development of a warming shelter during the winter months. He stated that thanks to the Wytheville Town Council, the task of sheltering the homeless in the winter months will be less stressful due to the allocation of \$10,000 in the Fiscal Year 2024-25 budget for the Open Door Community Warming Shelter Program. Mr. Fiebieg continued to briefly discuss the warming shelter program and expressed his gratitude to the Town Council. Mayor Taylor thanked Mr. Fiebieg for his comments.

Ms. Melissa McWhirter was recognized and stated that she resides on East Washington Street in Wytheville. Ms. McWhirter addressed the Council regarding the Town's Noise Ordinance. She noted that over the last three Saturdays, a commercial entity with commercial mowers, blowers and weed trimmers spent around four hours mowing two city blocks adjacent to her home on May 11, 2024; about 3 hours mowing on May 18, 2024; and, about six hours of nonstop mowing on May 25, 2024. Ms. McWhirter continued to express her concerns regarding the noise level of this mowing equipment and the violation of the Town's Noise Ordinance. Mayor Taylor thanked Ms. McWhirter for her comments.

Mr. Bob McWhirter was recognized and stated that he resides on East Washington Street in Wytheville. Mr. McWhirter stated that he is a bird enthusiast and explained some of the bird activities in which he participates. He addressed the Council regarding his concerns regarding the noise level of mowing near his home and the problems it causes while he is trying to enjoy the birds surrounding his home. Mayor Taylor thanked Mr. McWhirter for his comments.

Mr. C.J. Patel was recognized and stated that he is the owner of the Comfort Inn on Holston Road. Mr. Patel advised that he, recently, met with Town Manager Freeman and Assistant Town Manager Holeton regarding his concerns about streetlight outages near his hotel. Discussion was held regarding the information he was provided by Town staff regarding the area of Holston Road and his hotel and Mr. Patel's continued concerns regarding the lack of lighting near his hotels and the safety of his customers. Mayor Taylor thanked Mr. Patel for his comments.

Mr. Brian Reed with the Mount Rogers Planning District Commission (MRPDC) was recognized and stated that he would like to address the Council regarding the Community Development Block Grant (CDBG) application for the Monroe Street Housing Production Project. He advised that the MRPDC is preparing the CDBG application, and they will be able to submit the application once the Town forwards them the approved resolution for this project. Mr. Reed continued to briefly discuss how the funds from the CDBG will be

used for the Monroe Street Housing Project. Mayor Taylor thanked Mr. Reed for his information regarding the CDBG application.

Mayor Taylor inquired if there were any other citizens present who wished to address the Council during Citizens' Period. There being none, she proceeded with the agenda.

11. RE: NEW BUSINESS

Mayor Taylor advised that the next agenda item is New Business. Town Manager Freeman stated that he would like to present a plaque that the Town of Wytheville received from the Run for the Wall 34th Annual Run Board of Supervisors in appreciation for the support shown by the Town for the Southern Route of the Run for the Wall.

12. RE: REPORTS

A. RE: UPCOMING MEETINGS

Town Clerk Sherry Corvin presented the upcoming meetings, as follows:

1. The next regular scheduled meeting of the Wytheville Town Council will be held on Monday, June 10, 2024, at 5:00 p.m., in the Council Chambers of the Municipal Building.

13. RE: OTHER BUSINESS

A. RE: PUBLIC HEARING - VDOT PROPERTY DONATION - STAFF REPORT/PRESENTATION

Mayor Taylor advised that the next agenda item is to consider the request of the Virginia Department of Transportation (VDOT) for the Town to donate a small parcel of property located at the intersection of Main Street and 12th Street. Director of Public Utilities and Engineering Billy Anderson briefly reviewed the request of VDOT for the Town to donate a small parcel of property with the Town Council. He stated that Town staff recommends that the Town Council schedule a public hearing to consider this request from VDOT. Mayor Taylor inquired if there was a motion to schedule a public hearing for the June 24, 2024, Town Council meeting to consider the request of VDOT for the Town to donate a small parcel of property located at the intersection of Main Street and 12th Street.

Motion made by Councilman Gillman, Seconded by Councilwoman Atkins. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilwoman Atkins, Councilman Gillman, Councilwoman Johnson.

B. RE: ORDINANCE NO. 1434, EROSION AND SEDIMENT CONTROL - STAFF REPORT/ PRESENTATION

Mayor Taylor advised that the next agenda item is the review of Ordinance No. 1434, an ordinance to repeal Chapter 10, Planning and Development, Article IV. Erosion and Sediment Control, and to remove Article V. Impervious Land Area Stormwater

Management, of the Code of the Town of Wytheville, Virginia. She stated that Assistant Town Manager Holeyton will give the Council more information regarding this ordinance.

Assistant Town Manager Holeyton stated that there is a brief Staff Report regarding Erosion and Sediment Control and the relationship that it has with the Town's current ordinance that is included in the Council members' meeting package. She then gave an overview of the information that is included in the Staff Report regarding Erosion and Sediment Control. Assistant Town Manager Holeyton noted that there is no action required by the Council at this meeting regarding Ordinance No. 1434, and that the Council can contact her if they have any questions regarding the proposed ordinance.

C. RE: COUNCIL MEMBER TIME

Mayor Taylor advised that the next agenda item is Council Member Time. She inquired if Councilwoman Johnson had anything to discuss during Council Member Time. Councilwoman Johnson stated that she did not have anything to discuss at this time.

Mayor Taylor inquired if Councilwoman Atkins had anything to discuss during Council Member Time. Councilwoman Atkins stated that she did not have anything to discuss at this time.

Mayor Taylor stated that she would like to thank Ms. Rosa Lee Jude with the Wytheville Meeting Center for all her hard work and for doing an excellent job preparing the Run for the Wall event.

Mayor Taylor stated that she would like to thank the Wall of Honor Committee for their hard work planning the annual Memorial Day Ceremony. She noted that, this year, the Memorial Day Ceremony was held on a different day and at a different time than it has been in past years, however, the Ceremony was a great success.

Mayor Taylor inquired if Vice-Mayor Pattison had anything to discuss during Council Member Time. Vice-Mayor Pattison stated that she did not have anything to discuss at this time.

Mayor Taylor inquired if Councilman Gillman had anything to discuss during Council Member Time. Councilman Gillman stated that he did not have anything to discuss at this time.

14. RE: ADJOURNMENT

There being no further business to be discussed a motion was made, seconded and carried to adjourn the meeting. (6:11 p.m.)

Beth A. Taylor, Mayor

Sharon G. Corvin, CMC, Clerk of Council

8-A

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	June 10, 2024
Subject:	Houseman – Harman Street Closing Request

SUMMARY:

A public hearing has been scheduled to consider the request of Ronald E. Houseman, Jr., and Mark Alan Harman, Trustee of the Mark Alan Harman Trust, to vacate an undeveloped portion of West Pine Street extending between North 16th Street and North 18th Street. Director of Public Utilities and Engineering Billy Anderson will present the staff report on this matter and provide an overview of the Public Works Committee’s recommendation regarding closing the street. After conducting the public hearing and receiving comments from any concerned citizens, the public hearing should be declared closed.

The Town Council will now consider Ordinance No. 1435, an ordinance that would vacate this portion of West Pine Street extending between North 16th Street and North 18th Street and authorize the Town Manager to execute the deeds of conveyance for the property. The ordinance is before the Town Council on first and final reading.

Recommended Action

To adopt Ordinance No. 1435 and authorize the Town Manager to execute quitclaim deeds to convey the vacated property, a motion and roll call vote by the Town Council is required.

Amended Town of Wytheville Staff Report, April 17, 2024 (Revised June 5, 2024)

Department: Public Utilities and Engineering
Report Preparer: Billy J. Anderson, Director of Public Utilities and Engineering

Application: VACA-24-2

Narrative: The public right of way proposed for vacation is a portion of West Pine Street between North 16th Street and North 18th Street. This section of undeveloped public right of way is 60' in width and 340' in length, as indicated on Plat book 1, page 4 "Trinkle/Calfee Addition."

Development Potential: This section of right of way is currently undeveloped and contains natural topography in the form of a low swale in the drainage basin. This area receives natural stormwater runoff along with collected runoff from street corridors. Given the topography and lack of developable land along this unimproved corridor, there is very little possibility that West Pine Street would ever be constructed between North 16th Street and North 18th Street. However, it should be indicated that natural drainage should not be inhibited or restricted within this area of vacation. Appropriate restrictions and reservations can be included within the Deed of Quitclaim from the Town of Wytheville to each affected property owner.

Utility Conflict: This section of right of way currently contains an 18" water main that extends between West Lee Highway and North 20th Street. This is a main distribution line for many neighborhoods in this area. If this portion of West Pine Street right of way is vacated, prior to the adoption of the ordinance and vacation of public rights, there will be a requirement for the Town to reserve an easement, centered along the in place water line. This easement shall be not less than 20', being 10' on each side of the physical water line.

The easement can be included within the Deed of Quit Claim from the Town of Wytheville to each affected property owner. This easement will contain restrictions on the placement of permanent structures, landscaping, fences, etc. within the easement along with restrictions on the placement of any fill material within the easement. This will ensure that the Town of Wytheville can adequately maintain its infrastructure.

Recommendation: The Department of Public Utilities and Engineering considers this request to vacate as acceptable, given the appropriate legal restrictions and reservations as mentioned herein are made prior to the final approval by the Town Council.

Public Works Committee Meeting and Comments:

May 17, 2024; 1:00 PM

Participants: Gary Gillman (Public Works Committee), Billy Anderson (Director of Public Utilities and Engineering), Andrew Austin (Assistant Director of Public Utilities and Engineering)

June 4, 2024; 12:15 PM

Participants: Holly Atkins (Public Works Committee), Billy Anderson (Director of Public Utilities and Engineering), Andrew Austin (Assistant Director of Public Utilities and Engineering)

Noted Discussion Topics:

During the two site meetings, discussions were had regarding the potential for future needs of the development of the portion of West Pine Street from a Zoning, Engineering and Transportation perspective. Topics included, existing water line infrastructure, conveyance of collected street storm drainage and any potential for future liabilities, if approved.

The determination from both site meetings was as follows:

- 1) With only two property owners that directly adjoined the open right of way and both lots being currently developed to their perceived limits, there would be no foreseen need, from a transportation point of view, to develop Pine Street between 16th and 18th Streets.
- 2) The current topography and natural drainage pattern would place additional physical and economical constraints on the development of a street corridor in this area.
- 3) With adequate reservations inserted in the proposed quitclaim deed from the Town of Wytheville to the adjoining property owners, the existing water main and natural drainage pattern could be preserved. (A preliminary draft of a proposed quitclaim deed has been prepared and is under review by Town of Wytheville Administrative Staff and Legal Representative.)
- 4) Additional notations will be inserted into the proposed quitclaim deed holding the Town of Wytheville harmless from any past use of or within the area included in this portion of West Pine Street right of way.

Additional input from the Directors of Zoning and Public Works, given the state of existing right of way corridor and surrounding characteristics, indicates that there is no direct need for the Town of Wytheville to retain a public right of way in this area.

It is the joint opinion of the viewers and involved Town of Wytheville Staff that the vacation of the described portion of West Pine Street right of way between North 16th and North 18th Streets could be approved, contingent upon receipt of indicated market value of the right of way and upon final approval of any associated quit claim documents.

Billy J. Anderson, _____
Director of Public Utilities and Engineering

Holly Atkins, _____
Public Works Committee Viewer

Gary Gillman, _____
Public Works Committee Viewer

Property Owner's Affidavit:

Petition for Vacation

I/We the below signed petitioner (s), hereby apply to have the below described street/alley in the Town of Wytheville, Virginia, permanently vacated, discontinued, and closed pursuant to Virginia Code section 15.2-2006 as amended. This street/alley is more particularly described on as:

Description of street/alley: *an undeveloped portion of Pine Street which extends southwest from North 16th Street to North 18th Street. This portion begins at the southwest right of way line of North 16th Street and ends at the northeast right of way line of North 18th Street. A public street right of way being 60' in width and shown on Plat book 1 page 4 as recorded in the Clerk's Office of Wythe County, Virginia.*

Wherefore, the below signed petitioner(s) respectfully request that the above-described street/alley be vacated by the Council of the Town of Wytheville, Virginia, in accordance with Virginia Code section 15.2-2006 as amended.

Ronald E. Houseman Jr.
Ronald E. Houseman Jr.

3-15-24 Date

The Individual listed above has appeared before me and were identified as *Ronald E Houseman Jr*

Melissa B Carter Notary Signature
my Comm Exp 7-31-2024

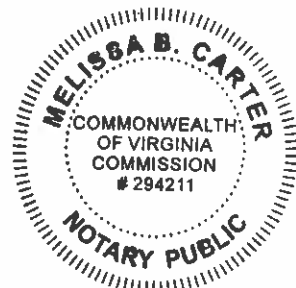


Mark Alan Harman, TTEE
Trustee of the Mark Alan Harman Trust

Date *The 15th day of March, 2024.*

The Individual listed above has appeared before me and were identified as *Mark Alan Harman*

Melissa B Carter, Notary Signature
My Comm Exp 7-31-2024



TOWN OF WYTHEVILLE PINE STREET RIGHT OF WAY VALUE CALCULATION

PERMIT APPLICATION NUMBER	PERMIT APPLICATION SUBMITTAL DATE	NUMBER OF PARCELS ADJOINING APPLICATION	NUMBER OF OWNERS ADJOINING APPLICATION		Owner information
VACA-24-2	3/25/2024	2	2		
PARCEL 1	TAX MAP NO. (S)	TOTAL COMBINED TAXABLE/CALCUALTED AREA IN SQ.FT.	TOTAL COMBINED TAXABLE LAND VALUE	CALCULATED AVERAGE LAND VALUE PER SQ.FT BASED ON PUBLISHED LAND TAX VALUE	Ronald E. Houseman Jr. 262 Saint Lukes Road Wytheville, VA 24382
	41A-7-14-1	0.66 ACRES = 28,717.1 SQ.FT. (REFERENCE DEED INST. 240000206)	\$71,900	\$71,900 / 28,717.1 SQ.FT	
				\$2.50/SQ.FT.	
PARCEL 2	TAX MAP NO. (S)	TOTAL COMBINED TAXABLE/CALCUALTED AREA IN SQ.FT.	TOTAL COMBINED TAXABLE LAND VALUE	CALCULATED AVERAGE LAND VALUE PER SQ.FT BASED ON PUBLISHED LAND TAX VALUE	Mark Alan Harman Trustee of the Mark Alan Harman Trust 920 West Spiller Street Wytheville, VA 24382
	41A-7-13-1	2.458 ACRES = 107,100 SQ.FT. (REFERENCE PLAT BOOK 1 PAGE 4)	\$35,000	\$35,000 / 107,100 SQ.FT	
				\$0.33/SQ.FT.	
AVERAGE PER SQ.FT. VALUE OF ALL ADJOINING PARCELS: (2.50 + 0.33) \2 = \$1.41/SQ.FT.					
PLAT DIMENSION OF ALLEY WAY SUBJECT TO APPLICATION	SOURCE OF DIMENSIONS FOR ALLEY WAY SUBJECT TO APPLICATION	TOTAL COMBINED LAND VALUE OF RIGHT OF WAY CALCULATED USING AVERAGE LAND VALUE OF ADJOINING PROPERTIES, "PURCHASE COST OF PROPOSED RIGHT OF WAY"			
60'X340'	PLAT BOOK 1 PAGE 4	\$1.41 PER SQ.FT. x (20,400 SQ.FT)			
20,400 SQ.FT	TRINKLE/CALFE ADDITION	\$28,764.00			

ORDINANCE NO. 1435

At a regular meeting of the Town Council of the Town of Wytheville, Virginia, held in the Council Chambers on June 10, 2024, at 5:00 p.m.

Present:

Absent:

AN ORDINANCE DISCONTINUING AND VACATING AN UNDEVELOPED PORTION OF WEST PINE STREET, EXTENDING BETWEEN NORTH 16TH STREET AND NORTH 18TH STREET, IN THE TOWN OF WYTHEVILLE, VIRGINIA

WHEREAS, the Town Council received an application from Ronald E. Houseman, Jr., and Mark Alan Harman, Trustee of the Mark Alan Harman Trust, to discontinue and vacate an undeveloped portion of West Pine Street, extending between North 16th Street and North 18th Street, in the Town of Wytheville, Virginia; and,

WHEREAS, the Public Works Committee of the Town Council was directed to review the closing of said street, the discontinuance and vacation of which was proposed, and to recommend to the Town Council whether or not the same should be discontinued and vacated; and,

WHEREAS, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, as amended, notice of the intention of the Town of Wytheville to discontinue and vacate the same was duly published twice as required by law, with at least six days elapsing between the first and second publication in the Wytheville Enterprise, a newspaper published or having general circulation in the Town of Wytheville, specifying the time and place of a hearing at which persons affected thereby might appear and be heard; and,

WHEREAS, a public hearing was conducted, as advertised, on June 10, 2024;

and,

WHEREAS, by report dated June 10, 2024, the Public Works Committee unanimously reported to the Town Council that no inconvenience would result from discontinuing and vacating an undeveloped portion of West Pine Street, extending between North 16th Street and North 18th Street; and,

WHEREAS, the Public Works Committee has viewed said undeveloped portion of West Pine Street, extending between North 16th Street and North 18th Street, and reported their opinion what, if any, inconvenience would result from discontinuing and vacating the same; and,

WHEREAS, the Town Council concurs in said report and is of the opinion that the public interest would be best served by discontinuing and vacating the undeveloped portion of West Pine Street, extending between North 16th Street and North 18th Street, as reported by the Public Works Committee, that the rights and interests of no persons would be jeopardized or violated thereby and all of the land proprietors affected by and abutting the said alleyway have applied for, or have agreed, to the vacation and discontinuance thereof.

NOW, THEREFORE, BE IT ORDAINED that the undeveloped portion of West Pine Street, extending between North 16th Street and North 18th Street, as designated on the attached plat, be discontinued and vacated. This vacation is subject to any right, privilege, permit, license or easement in favor of any public service company, utility or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter or decrease in size any facilities in the vacated roadway, without permission from the landowner. The full value of consideration for the undeveloped

portion of West Pine Street is \$28,764.00.

BE IT FURTHER ORDAINED that the rights-of-way referenced herein shall be conveyed to Ronald E. Houseman, Jr. and Mark Alan Harman, Trustee of the Mark Alan Harman Trust, and said conveyance will be contingent on the recordation of this Ordinance and a Quitclaim Deed in a form approved by the office of the Town Attorney and executed by the Town Manager on behalf of the Town Council of Wytheville. Recordation shall not occur until sixty (60) days have elapsed from the date of adoption of this Ordinance provided an appeal from the adoption of this Ordinance has not been filed within the said sixty (60) days. If the adoption of the Ordinance is appealed, recordation will be held in abeyance until the matter is resolved.

BE IT FURTHER ORDAINED that a certified copy of this ordinance of discontinuance and vacation be recorded as deeds are recorded and indexed in the name of the Town of Wytheville in the Clerk's Office of the Circuit Court of Wythe County, Virginia.



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**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	June 10, 2024
Subject:	Ordinance No. 1434

SUMMARY:

Please find attached Ordinance No. 1434, an ordinance renaming Chapter 10, Planning and Development, and repealing Article IV. Erosion and Sediment Control and Article V. Impervious Land Area Stormwater Management, of the Code of the Town of Wytheville, Virginia. The ordinance is before the Town Council on first and final reading. This ordinance will remove the erosion and sediment control regulations from the Town Code and make it a stand-alone ordinance. The ordinance also removed the stormwater management regulations from the Town Code. Assistant Town Manager Holeton will review this ordinance and the proposed changes with the Town Council. The ordinance is before the Town Council on first and final reading.

Recommended Action

To adopt Ordinance No. 1434, it will require a motion and roll call vote by the Town Council.

Erosion and Sediment Control Ordinance

Town Council Meeting on June 10th, 2024

Staff Report: By Elaine Holeton

New Erosion and Sediment Control Ordinance

At the May 28th Town Council meeting, a staff report was shared with the Town Council regarding the need to repeal Article IV. and Article V. of Chapter 10 of the Town Code. The action is necessary to align the Town of Wytheville Erosion and Sediment Control Ordinance with the statewide Erosion and Sediment Control regulations recently adopted by the Virginia General Assembly.

Town staff is recommending that we repeal the relevant section of the Town Code, while also adopting a Stand-Alone Erosion and Sediment Control Program. The purpose of the Stand-Alone Erosion and Sediment Control Program is to align this program with the other land development ordinance formats.

These two actions will align the Town with statewide standards and improve the Town’s ability to communicate applicable regulations with the development community.

Staff Recommendation

Consider a motion to approve Ordinance No. 1434, to repeal the Wytheville Town Code, as presented.

Consider a motion to approve Ordinance No. 1437, Town of Wytheville Erosion and Sediment Control Program, as presented.

Attachments

Ordinance No. 1434, Repealing Chapter 10 of the Town Code

Ordinance No. 1437, New Stand-Alone Erosion and Sediment Control Program

Resources and References

Sources: <https://www.waterfrontpropertylaw.com/blog/posts/webinar-recap-stormwater-erosion-sediment-control-at-construction-sites-in-virginia/>

<https://www.wetlands.com/va-stormwater-update-feb2024/>

<https://www.deq.virginia.gov/our-programs/water/stormwater>

ORDINANCE NO. 1434

At a regular meeting of the Town Council of the Town of Wytheville, Virginia, held in the Council Chambers on the 10th day of June, 2024, at 5:00 p.m.

Present:

Absent:

AN ORDINANCE RENAMING CHAPTER 10, PLANNING AND DEVELOPMENT, AND REPEALING ARTICLE IV. EROSION AND SEDIMENT CONTROL, AND ARTICLE V. IMPERVIOUS LAND AREA STORMWATER MANAGEMENT, OF THE CODE OF THE TOWN OF WYTHEVILLE, VIRGINIA

BE IT ORDAINED by the Town Council of the Town of Wytheville, Virginia, that Chapter 10, Planning and Development be renamed and that Article IV. Erosion and Sediment Control and Article V. Impervious Land Area Stormwater Management, be repealed as follows:

CHAPTER 10. PLANNING AND COMMUNITY DEVELOPMENT

ARTICLE VI. EROSION AND SEDIMENT CONTROL PROGRAM

Sec. 10-76. Repealed.

Sec. 10-77. The Town of Wytheville Erosion and Sediment Control Ordinance, the Zoning Ordinance and the Subdivision Ordinance can be found in the Town of Wytheville Planning Department and the Department of Public Utilities and Engineering.

ARTICLE V. IMPERVIOUS LAND AREA STORMWATER MANAGEMENT

Sec. 10.84. Repealed.

Sec. 10-85. All Impervious Land Area Stormwater Management in the Town of Wytheville is regulated by the Virginia Department of Environmental Quality (DEQ), and all stormwater management permits should be obtained from the DEQ office.

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**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	June 10, 2024
Subject:	Ordinance No. 1437 – Erosion and Sediment Control Program

SUMMARY:

Please find attached Ordinance No. 1437, an ordinance establishing a Stand-Alone Policy for an Erosion and Sediment Control Program for the Town of Wytheville, Virginia. This new program will replace the Erosion and Sediment Control regulations that the Council just removed from the Town Code. Assistant Town Manager Elaine Holeton will review this Erosion and Sediment Control Program with the Town Council. The ordinance is before the Town Council on first and final reading.

Recommended Action

To adopt Ordinance No. 1437 on first and final reading, it will require a motion and roll call vote by the Town Council.

ORDINANCE NO. 1437

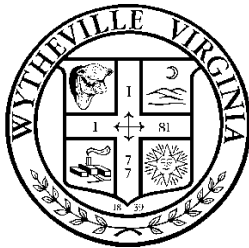
At a regular meeting of the Town Council of the Town of Wytheville, Virginia, held in the Council Chambers on the 10th day of June, 2024, at 5:00 p.m.

Present:

Absent:

**AN ORDINANCE ESTABLISHING A STAND-ALONE POLICY
FOR AN EROSION AND SEDIMENT CONTROL PROGRAM
FOR THE TOWN OF WYTHEVILLE, VIRGINIA**

BE IT ORDAINED by the Town Council of the Town of Wytheville, Virginia, that this ordinance shall hereby establish a stand-alone policy for an Erosion and Sediment Control Program in the Town of Wytheville, as attached to this ordinance.



TOWN OF WYTHEVILLE EROSION AND SEDIMENT CONTROL PROGRAM

Section 1.1 Title, Purpose, and Authority.

(a) This ordinance shall be known as the "Erosion and Sediment Control Ordinance of the Town of Wytheville." The purpose of this ordinance is to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources of the Town of Wytheville by establishing requirements for the effective control of soil erosion, sediment deposition and non-agricultural runoff, and by establishing procedures whereby these requirements shall be administered and enforced.

(b) This ordinance is authorized by § 62.1-44.15:54 of the Code of Virginia.

Section 1.2 Definitions.

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

"Agreement in lieu of a plan" means a contract between the Town of Wytheville and the owner that specifies conservation measures that must be implemented to comply with the requirements of this ordinance for the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent; this contract may be executed by the Town of Wytheville in lieu of a formal site plan.

"Applicant" means any person submitting an erosion and sediment control plan for approval in order to obtain authorization for land-disturbing activities to commence.

"Board" means the State Water Control Board.

"Certified inspector for ESC" means an employee or agent of the VESCP authority who (i) holds a certificate of competence from the department in the area of project inspection or (ii) is enrolled in the department's training program for project inspection and successfully completes such program within one year after enrollment.

"Certified plan reviewer for ESC" means an employee or agent of the VESCP authority who (i) holds a certificate of competence from the department in the area of plan review, (ii) is enrolled in the department's training program for plan review and successfully

completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, landscape architect, land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia, or professional soil scientist as defined in § 54.1-2200.

"Certified program administrator for ESC" means an employee or agent of the VESCP authority who holds a certification from the department in the classification of program administrator or (ii) is enrolled in the department's training program for program administration and successfully completes such program within one year after enrollment.

"Clearing" means any activity which removes the vegetative ground cover including root mat removal or topsoil removal.

"County" means Wythe County.

"Department" means the Virginia Department of Environmental Quality.

"District" or "Soil and Water Conservation District" refers to the Big Walker Soil and Water Conservation District. (If applicable.)

"Erosion and sediment control plan" or "plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

"Erosion impact area" means an area of land that is not associated with a current land-disturbing activity but is subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes.

"Excavating" means any digging, scooping or other methods of removing earth materials.

"Farm building or structure" means the same as that term is defined in § 36-97 of the Code of Virginia and also includes any building or structure used for agritourism activity, as defined in § 3.2-6400, and any related impervious surfaces including roads, driveways and parking areas.

"Filling" means any depositing or stockpiling of earth materials.

"Grading" means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including the clearing, grading, excavating, transporting and filling of land.

"Land-disturbing permit or approval" means a permit or an approval allowing a land-disturbing activity to commence issued by the Town of Wytheville after the requirements of § 62.1-44.15:55 of the Code of Virginia have been met.

"Natural channel design concepts" means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

"Owner" means the same as provided in § 62.1-44.3 of the Code of Virginia. For a land-disturbing activity that is regulated under Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia and this ordinance, "owner" also includes the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

"Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

"Percent impervious" means the impervious area within the site divided by the area of the site multiplied by 100.

"Permittee" means the person to whom the permit is issued.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body or any other legal entity.

"Responsible Land Disturber" or "RLD" means an individual holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance with the approved erosion and sediment control plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the erosion and sediment control plan or permit as defined in the Virginia Erosion and Stormwater Management Regulation (9VAC25-875) as a prerequisite for engaging in land disturbance. The RLD must be designated on the erosion and sediment control plan or permit as defined in this ordinance as a prerequisite for engaging in land disturbance.

"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

"Single-family detached residential structure" means a noncommercial dwelling that is occupied exclusively by one family.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Transporting" means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

"Town" means the incorporated Town of Wytheville.

"Virginia Erosion and Sediment Control Program" or "VESCP" means a program approved by the department that is established by a VESCP authority for the effective control of soil erosion, sediment deposition and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources and shall include such items where applicable as local ordinances, rules, policies and guidelines, technical materials, and requirements for plan review, inspection, and evaluation consistent with the requirements of the Erosion and Sediment Control Law (ESCL).

"Virginia Erosion and Sediment Control Program authority" or "VESCP authority," for purposes of this ordinance, means the Town of Wytheville that has been approved by the department to operate a Virginia Erosion and Sediment Control Program in accordance with Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1, the State Water Control Law, of Title 62.1 of the Code of Virginia.

"VESCP plan-approving authority" means the Town of Wytheville Engineering Department responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of land and for approving plans.

"VPDES Permit" means a General VPDES (Virginia Pollutant Discharge Elimination System) Permit for Discharges of Stormwater from Construction Activities, 9VAC25-880, issued by the department pursuant to § 62.1-44.15 of the Code of Virginia for stormwater discharges from a land-disturbing activity.

Section 1.3 Local Erosion and Sediment Control Program.

Pursuant to § 62.1-44.15:54 of the Code of Virginia, the Town of Wytheville hereby establishes a Virginia Erosion and Sediment Control Program (VESCP) and adopts the regulations promulgated by the Board (for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources). In accordance with § 62.1-44.15:52 of the Code of Virginia, any plan approved prior to July 1, 2014, that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to:

- (a) detain the water quality volume and to release it over 48 hours;
 - (b) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and,
 - (c) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.
1. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements for natural and man-made channels shall be satisfied by compliance with water quantity requirements specified 9VAC25-875-600, unless such land-disturbing activities are in accordance with the grandfathering provisions of 9VAC25-875-490.
 2. Pursuant to § 62.1-44.15:53 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer for ESC. Inspections of land disturbing activities shall be conducted by a certified inspector for ESC. The Erosion and Sediment Control Program of the Town of Wytheville shall contain a certified program administrator for ESC, a certified plan reviewer for ESC and a certified inspector for ESC (who may be the same person.)
 3. The Town of Wytheville hereby designates the Department of Public Utilities and Engineering as the VESCP plan approving authority.
 4. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Department of Public Utilities and Engineering.

Section 1.4 Regulated Land-Disturbing Activities.

- (a) Land-disturbing activities that meet one of the criteria below are regulated as follows:
 - 1. Land-disturbing activity that disturbs 10,000 square feet or more, is less than one acre, not in an area of a locality designated as a Chesapeake Bay Preservation Area, and not part of a common plan of development or sale, is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) of Part V of the Virginia Erosion and Stormwater Management Regulation (Regulation).

Section 1.5 Activities Not Required to Comply with the Erosion and Sediment Control Law (ESCL).

- (a) Notwithstanding any other provisions of the Erosion and Sediment Control Law for Localities Not Administering a Virginia Erosion and Stormwater Management Program (ESCL), the following activities are not required to comply with the ESCL unless otherwise required by federal law:
 - 1. Disturbance of a land area of less than 10,000 square feet in size;
 - 2. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work;
 - 3. Installation, maintenance or repair of any individual service connection;
 - 4. Installation, maintenance or repair of any underground utility line when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;
 - 5. Installation, maintenance or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
 - 6. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.2 of the Code of Virginia;
 - 7. Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural or forest crops; livestock feedlot operations; agricultural engineering operations, including construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; or as additionally set forth by the

board in regulations. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163 of the Code of Virginia;

8. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

9. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Virginia Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to the ESCL and the regulations adopted pursuant thereto;

10. Land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VESCP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of subsections 1.6, 1.7 and 1.8 of this ordinance are required within 30 days of commencing the land-disturbing activity;

11. Discharges to a sanitary sewer or a combined sewer system that are not from a land disturbing activity; and,

12. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.

Section 1.6 Submission and Approval of Plans; Contents of Plans.

(a) Except as provided herein, no person may engage in any regulated land-disturbing activity until he or she has submitted to the Town of Wytheville an erosion and sediment control plan for the regulated land-disturbing activity and such plan has been approved by the Town of Wytheville. No approval to begin a land disturbing activity will be issued unless evidence of VPDES permit coverage is obtained where it is required. Where the land-disturbing activity results from the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the VESCP plan approving authority.

(b) The standards contained within the "Virginia Erosion and Stormwater Management Regulation (9VAC25-875)" and the "Virginia Stormwater Management Handbook," as amended, are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The VESCP plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the "Virginia Erosion and Stormwater Management Regulation" shall take precedence.

(c) The VESCP plan-approving authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of the Erosion and Sediment Control Law for Localities not Administering a Virginia Erosion and Stormwater Management Program and 9VAC25-875, and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan and will comply with the provisions of this ordinance. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of the responsible land disturber to the VESCP authority, as required by 9VAC25-875-300 and 9VAC25-875-550, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of the responsible land disturber, prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.

However, the VESCP plan-approving authority may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan for construction of a single-family detached residential structure. If a violation occurs during the land-disturbing activity associated with the construction of the single-family detached residential structure, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of the responsible land disturber to the VESCP authority. Failure to provide the name of the responsible land disturber shall be a violation of this ordinance.

(d) When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

(e) The Town of Wytheville shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval and deemed adequate.

(f) The Town of Wytheville may require changes to an approved plan when:

1. The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
2. The person responsible for carrying out the plan finds that because of changed circumstances, or for other reasons, the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the VESCP plan-approving authority and the person responsible for carrying out the plans.

(g) Variances: The VESCP plan-approving authority may waive or modify any of the standards that are deemed to be inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:

1. At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the VESCP plan-approving authority shall be documented in the plan.
2. During construction, the person responsible for implementing the approved plan may request a variance in writing from the VESCP plan-approving authority. The VESCP plan-approving authority shall respond in writing either approving or disapproving such a request. If the VESCP plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
3. The Town of Wytheville shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.

(h) In order to prevent further erosion, the Town of Wytheville may require approval of a plan for any land identified in the local program as an erosion impact area.

1. When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.
2. As an alternative to submitting soil erosion control and stormwater management plans pursuant to § 62.1-44.15:34 of the Code of Virginia to the Town of Wytheville, any person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank that has been approved and is operated in accordance with applicable federal and

state guidance, laws or regulations for the establishment, use and operation of (i) a wetlands mitigation or stream restoration bank, pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers, or (ii) a stream restoration project for purposes of reducing nutrients or sediment entering state waters may submit standards and specifications for Department approval that describe how land-disturbing activities shall be conducted.

Section 1.7 Erosion and Sediment Control Plan/Contents of Plans.

(a) An erosion and sediment control plan shall be filed for a development and the buildings constructed within, regardless of the phasing of construction. The erosion and sediment control plan shall be consistent with the criteria, techniques, and methods in 9VAC25875-560. The erosion and sediment control plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives in 9VAC25-875-560. The erosion and sediment control plan may include:

1. Appropriate maps;
2. An appropriate soil and water plan inventory and management information with needed interpretations; and,
3. A record of decisions contributing to conservation treatment.

(b) The person responsible for carrying out the plan shall provide the name of an individual holding a certificate who will be in charge of and responsible for carrying out the land disturbing activity to the VESCP plan-approving authority. [Note: The VESCP plan-approving authority may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan in accordance with § 62.1-44.15:34 or § 62.1-44.15:55 of the Code of Virginia.]

(c) If individual lots or sections in a residential development are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan, or an "Agreement in Lieu of a Plan" signed by the property owner.

(d) Land-disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be considered exempt from the provisions of the VESMA, ESCL or this ordinance if the total land-disturbing activity in the development is equal to or greater than 10,000 square feet.

Section 1.8 Permits, Fees; Security for Performance.

- (a) Agencies authorized under any other law to issue grading, building or other permits for activities involving land-disturbing activities shall not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan, certification that the plan will be followed and evidence of VPDES permit coverage where it is required.

- (b) No person may engage in any land-disturbing activity until he or she has acquired a land disturbing permit (unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance), has paid the fees and has posted the required bond.

- (c) An administrative fee shall be paid to the Town of Wytheville at the time of submission of the erosion and sediment control plan. Such fee shall be set according to a Master Fee Schedule adopted by the town council, which schedule may, from time to time, be amended by the town council.

- (d) No land-disturbing permit shall be issued until the applicant submits with his or her application an approved erosion and sediment control plan, or agreement in lieu of an approved erosion and sediment control plan, and certification that the plan will be followed.

- (e) All applicants for permits shall provide to the Town of Wytheville a performance bond with surety, cash escrow, or an irrevocable letter of credit acceptable to the Town Manager, to ensure that measures could be taken by the Town of Wytheville at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him or her by the approved plan as a result of his land-disturbing activity.

The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty five percent of the cost of the conservation action. Should it be necessary for the Town of Wytheville to take such conservation action, the Town of Wytheville may collect from the applicant any costs in excess of the amount of the surety held. Within sixty (60) days of adequate stabilization, as determined by the Engineering Department, in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof, shall be either refunded to the applicant or terminated based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

Section 1.9 Monitoring, Reports, and Inspections.

(a) The responsible land disturber, as provided by § 62.1-44.15:52, shall be in charge of and responsible for carrying out the land-disturbing activity and provide for periodic inspections of the land-disturbing activity. The person responsible for carrying out the plan shall monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

(b) The Town shall periodically inspect the land-disturbing activity in accordance with 9VAC25-875-330 to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee or person responsible for carrying out the plan shall be given notice of the inspection and shall such inspection in accordance with § 62.1-44.15:60 and the land-disturbing permit.

If the Town determines that there is a failure to comply with the plan, notice to comply may be served upon the permittee or person responsible for carrying out the plan. Such notice shall be served by delivery by facsimile e-mail, or other technology; by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, if available, or in the land records of the locality; or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice to comply shall specify the measures needed to comply with the land disturbance approval conditions or shall identify the plan approval or land-disturbance approval needed to comply with this article and shall specify a reasonable time within which such measures shall be completed. Upon failure to comply within the specified time, any plan approval or land-disturbance approval may be revoked and the permittee or person responsible for carrying out the plan shall be subject to the penalties provided by this ordinance.

(c) Upon issuance of an inspection report denoting a violation of § 62.1-44.15:55 of the Code of Virginia, the Town may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan, the Town may issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the

Commonwealth, or where the land-disturbing activities have commenced without an approved plan, such a stop work order may be issued without regard to whether the alleged violator has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the alleged violator has failed to comply with such a notice to comply.

The stop work order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the Town of Wytheville or permit holder for appropriate relief to the Circuit Court of Wythe County, or other appropriate court. The Town of Wytheville shall serve such order for disturbance without an approved plan upon the owner by mailing with confirmation of delivery to the address specified in the land records. The order shall be posted on the site where the disturbance is occurring and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies.

If the alleged violator has not obtained an approved plan within seven days from the date of service of the stop work order, the VESCP plan-approving authority may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan has been obtained. Such an order shall be served upon the owner by mailing with confirmation of delivery to the address specified in the plan or the land records of Town of Wytheville.

The owner may appeal the issuance of an order to the Circuit Court of Wythe County, or other appropriate court.

Any person violating or failing, neglecting or refusing to obey an order issued by the Town may be compelled in a proceeding instituted in the Circuit Court of Wythe County to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy.

Upon completion and approval of corrective action or obtaining an approved plan, the order shall immediately be lifted.

Nothing in this section shall prevent the Town from taking any other action authorized by this ordinance or other applicable laws.

Section 1.10 Penalties, Injunctions, and Other Legal Actions.

(a) Any person who has violated or failed, neglected or refused to obey any order, notice, or requirement of the Town of Wytheville, any condition of a land-disturbance approval or any provision of this ordinance shall, upon a finding of the District Court of Wythe County, be assessed a civil penalty. The civil penalty for any one violation shall be not less than \$100 nor more than \$1,000, except that the civil penalty for commencement of land disturbing activities without an approved plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no

event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.

(b) The Town, or the owner or property which has sustained damage, or which is in imminent danger of being damaged, may apply to the Circuit Court of Wythe County to enjoin a violation or a threatened violation of § 62.1-44.15:55 or 62.1-44.15:58 of the Code of Virginia, without the necessity of showing that an adequate remedy at law does not exist. However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

(c) In addition to any criminal or civil penalties provided under this ordinance, any person who violates any provision of the Erosion and Sediment Control Law may be liable to the Town of Wytheville in a civil action for damages.

(d) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the Town of Wytheville.

Any civil penalties assessed by a court shall be paid into the treasury of the Town of Wytheville, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

(e) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, or order of the Town of Wytheville the Town may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection (d) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection (a) or (d) of this section.

(f) The Commonwealth's Attorney shall, upon request of the Town of Wytheville, take legal action to enforce the provisions of this ordinance.

Section 1.11 Appeals and Judicial Review.

(a) Final decisions of the Town of Wytheville under this ordinance shall be subject to review by the Wythe County Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

8-D

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	June 10, 2024
Subject:	Appointment – Wytheville Tree Advisory Committee

SUMMARY:

Please find attached an application for consideration of appointment to the Wytheville Tree Advisory Committee to fill the expired term of Mr. David Richert (term expired May 14, 2024). Mr. Richert is not eligible for reappointment to the Committee. At this meeting, the Town Council could make the appointment to the Tree Advisory Committee, or the Council could schedule a Work Session on June 24, 2024, at 4:30 p.m. to hold a Meet and Greet Session with the applicant. This is a four year appointment that expires May 14, 2028.

Recommended Action

A motion and vote is required by the Town Council to schedule a Work Session on June 24, 2024, at 4:30 p.m. to hold a Meet and Greet Session **or** to make the appointment to the Tree Advisory Committee.



COMM-24-3	Primary Location	Applicant
Application to Serve on Town Committee or Board	No location	DeAnne Irving
Status: Active		
Submitted On: 5/8/2024		

APPLICANT INFORMATION

Full Legal Name*	Applicant Mailing Street/PO Address *
DeAnne Bronson Irving	
Zip Code Mailing Address* 	Applicant Contact Phone Number*
24382	
Applicant Email Address* 	Place of Employment or Other*
	Aschenbach Chevrolet

The Town Council makes appointments to Boards, Committees, and Commissions. When there is an opening in a board or committee, interested citizens should complete this application. The council will review the applications before an appointment is made. The Town Clerk maintains information about terms and current openings on boards and committees. Information can be found on the Town website <https://www.wytheville.org/boards-committees> . For detailed questions about meeting intervals, dates, and times contact the Town Clerk at 276-223-3349.

<Bold>The list below outlines the various boards, commissions and committees that individuals can serve on.

Board of Zoning Appeals- Five (5) year term. Members are required to submit a Real Estate Disclosure Form to satisfy statewide reporting requirements.

Building Code Appeals Board- Five (5) year term.

Joint Industrial Development Authority- Four (4) year term. Members are required to submit a Financial and Real Estate Disclosure Form to satisfy statewide reporting requirements. Members must attend a Conflict of Interest Training.

Planning Commission - Four (4) year term. Members are required to submit Real Estate Disclosure Form to satisfy statewide reporting requirements. Must attend Certified Planning Commissioner's Training.

Recreation Commission - Three (3) year term.

Smyth-Wythe Airport Commission - Four(4) year term.

Tree Advisory Committee - Four (4) year term.

Wall of Honor Committee - Four (4) year term.

Willow Brook Jackson/Umberger Homestead Museum Advisory Board - Five (5) year term.

Housing Rehabilitation Zone Selection Committee - Five (5) year term. Must be either a Planning Commission or Town EDA member. Members shall not be in construction or real estate industry.

Wytheville Economic Development Authority - Four (4) year term. Members must submit a Financial and Real Estate Disclosure Form to satisfy state reporting guidelines. Members must attend a Conflict of Interest Act Training.

Wytheville Redevelopment & Housing Authority - Four (4) year term.

Which Board/Committee are you interested in serving on?*

Tree Advisory Committee

If you would like to serve on more than one board or committee, please enter them both in this field. ?

Are you currently a member of the Board of Zoning Appeals or are you a member on the Building Board of Appeals?*

NO

If you are already serving on the Board of Zoning Appeals or the Building Board of Appeals please contact the Town Clerk. The Code of Virginia prohibits members of the BZA or the LBBCA from serving on other boards, aside from one member of the BZA who may also be on the Planning Commission.

Please provide us with additional information regarding your professional background, your educational background, any community service activities and information related to your experience as it relates to the appointment.*

Clerical and Administrative Assistant. B.S. Forestry VA Tech. Volunteer on church committees.

Share any previous employment or service on other Town Boards or Committees that you may have been involved with. Include service dates, job positions and other details of your service.*

None

Provide information about yourself. Share knowlege base or skillsets that you possess. How will you add value to the committee or board?*

Avid garden. I'm particularly interested in native plants and ecology.

The Town requires that all individuals who seek to serve on a Town Committee or a Town Board shall undergo a background check at the time of application.

The applicant will be required to upload the Background Report Release Form and the Personnel Record Request Form . The forms can be downloaded from the link under attachments on the attachment page. Copy and paste this link in a new web browser: <a

Once you have downloaded and completed the form on your personal computer, save the document on your personal computer. When you get to the attachments field in this application, you can upload the completed background release form document into this application portal. If you have issues with this step call 276-223-3353 and a Town Clerk will assist you.

ACKNOWLEDGMENT & AUTHORIZATION

1. I hereby certify that the information provided is complete and accurate.*



2. I understand that if appointed, I am expected to attend the meeting(s) as scheduled and I understand that repeated absences may result in my being removed from a Board or Commission.*



Name of Applicant:* ?

DeAnne Irving

Click here to add your legally binding digital signature*

✔ DeAnne Bronson Irving
May 8, 2024

Attachments



Background Report Release Form and Personnel Record Release Form REQUIRED
D.Irving- Background-Release-Forms.pdf
Uploaded by DeAnne Irving on May 8, 2024 at 2:15 PM

11-A

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	June 10, 2024
Subject:	Upcoming Meetings

SUMMARY:

Town Clerk Sherry Corvin will present the upcoming meetings to the Town Council.

Recommended Action

No action required at this time.

UPCOMING MEETINGS

1. The Wytheville Planning Commission meeting scheduled for Thursday, June 13, 2024, has been canceled.
2. Downtown Wytheville, Inc. (DTW) Board of Directors will hold their meeting on Monday, June 17, 2024, at 5:30 p.m., at the DTW Office.
3. The Wytheville Redevelopment and Housing Authority will hold their monthly meeting on Wednesday, June 19, 2024, at 12:00 p.m., at the Housing Authority Office.
4. The Town Municipal Offices will be closed and all services curtailed on Wednesday, June 19, 2024, in observance of the Juneteenth holiday.
5. The New River Regional Water Authority will hold their meeting on Thursday, June 20, 2024, at 10:00 a.m., at the Austinville Water Plant.
6. The next regular meeting of the Wytheville Town Council will be held on Monday, June 24, 2024, at 5:00 p.m., here in the Council Chambers.

12-A

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	June 10, 2024
Subject:	Ordinance No. 1436

SUMMARY:

Please find attached Ordinance No. 1436, an ordinance to repeal Chapter 7, Licenses and Business Regulations, Article III. Taxicabs, of the Code of the Town of Wytheville, Virginia. Assistant Town Manager Holeton will review this ordinance with the Town Council and explain why this portion of the Town Code is proposed to be repealed by Town Staff. This ordinance is for review only at this meeting, and it will be brought back for action by the Town Council at the June 24 meeting.

Recommended Action

No action required at this time.

Taxicab Operators and the Town Code

Town Council Meeting on June 10th, 2024

Staff Report: By Elaine Holeton

Taxicab Operators and the Town Code

Background: The Code of Virginia § 46.2-2059 to § 46.2-2067 is the enabling authority for localities to regulate taxicab services in a jurisdiction.

In 1967, the Town of Wytheville began the practice of regulating taxicabs by requiring a taxicab operator's license.

The locality regulation of taxicabs is optional, and each jurisdiction is allowed to make this decision. Town staff is recommending that the Town of Wytheville not regulate taxicabs above and beyond what the state is already requiring. In order to accomplish this change in policy, we need to repeal Chapter 7, Article III. Taxicabs, from the Town Code.

The Virginia Department of Motor Vehicles (DMV) regulates taxi cabs through the Motor Carrier Permit. <https://www.dmv.virginia.gov/businesses/motor-carriers/intrastate/taxi-cab>

The taxicab service that we have here in the Wytheville area is 276 Express. This business is licensed with the DMV as both a Taxicab and a Non-Emergency Medical Transportation Carrier.

https://www.dmv.virginia.gov/businesses/motor-carriers/auth-mc/authorized-motor-carriers?field_contact_information_value=&field_carrier_type_target_id=All&field_locality_value=WythevilleThe

Requiring a taxicab operator to also register with the locality is redundant to what the state already requires and does not provide any benefit to the town or the citizens of the town.

Interim Town Attorney Paul Cassell has reviewed this change in policy and agrees with the Staff recommendation.

No action is needed at tonight's meeting. If the Town Council agrees with this approach, Town staff will prepare an agenda item for the June 24th meeting to repeal the taxicab section of the Town Code.

Please feel free to call or email me if you have any questions. Thank you for your consideration.

ORDINANCE NO. 1436

At a regular meeting of the Town Council of the Town of Wytheville, Virginia, held in the Council Chambers on the 10th day of June, 2024, at 5:00 p.m.

Present:

Absent:

AN ORDINANCE TO REPEAL CHAPTER 7, LICENSES AND BUSINESS REGULATIONS, ARTICLE III. TAXICABS, OF THE CODE OF THE TOWN OF WYTHEVILLE, VIRGINIA

BE IT ORDAINED by the Town Council of the Town of Wytheville, Virginia, that Chapter 7, Licenses and Business Regulations, Article III. Taxicabs. of the Code of the Town of Wytheville be repealed, as follows:

CHAPTER 7. LICENSES AND BUSINESS REGULATIONS

ARTICLE III. TAXICABS

Sec. 7-81. Repealed.

Taxicabs are regulated by the Virginia Department of Motor Vehicles. Any person desiring to operating a taxicab business in the Town of Wytheville should apply for a Motor Carrier’s License with the Virginia Department of Motor Vehicles. A business license is required to operate a taxicab business in the Town of Wytheville.

12-B

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	June 10, 2024
Subject:	Review of Vacancies/Upcoming Vacancies on Town Committees/Boards/Authorities

SUMMARY:

Please find attached the listing of Town Committees/Boards/Authorities with vacancies/upcoming vacancies. If the Town Council members are aware of any Town citizens who would like to apply to serve on a Town Committee/Board/Authority, the application must be completed through the OpenGov Portal on the Town of Wytheville website

Recommended Action

No action required at this time.

2024 Committee Vacancies/Reappointments

Board of Zoning Appeals

Chuck Johnson – Expires 9/10/2024 (Eligible for reappointment)

Joint Industrial Development Authority

Jeffrey Lucas – Expires 12/31/2024 (Eligible for reappointment)

Recreation Commission

Jessenia Cohen – Expires 8/1/24 (Youth Member) (Eligible for reappointment)

Eden Miller – Expires 8/1/24 (Youth Member) (Eligible for reappointment)

Glenda Salerno – Expires 12/31/24 (Not Eligible for reappointment)

Bobby Angles – Expires 12/31/24 (Eligible for reappointment)

Smyth-Wythe Airport Commission

Brandon Elmore – Expires 6/30/24 (Not eligible for reappointment)

Tree Advisory Committee

Wythe Morris – Expires 5/14/24 (Not eligible for reappointment)

David Richert – Expires 5/14/24 (Not eligible for reappointment)

Wytheville Economic Development Authority

Zach Cooley – Expires 12/12/24 (Resigned)

Kathleen Laster – Expires 12/12/24 (Eligible for reappointment)

Wytheville Redevelopment and Housing Authority

Sharon Alexander – Expires 9/8/24 (Not eligible for reappointment)