



AGENDA

WYTHEVILLE TOWN COUNCIL MEETING

TUESDAY, MAY 28, 2024 AT 5:00 PM

**MUNICIPAL BUILDING - 150 EAST MONROE STREET
WYTHEVILLE, VA 24382**

1. **INVOCATION - COUNCILWOMAN CANDICE N. JOHNSON**
2. **CALL TO ORDER — MAYOR BETH A. TAYLOR**
3. **ESTABLISHMENT OF QUORUM — MAYOR BETH A. TAYLOR**
4. **PLEDGE OF ALLEGIANCE - COUNCILMAN GARY L. GILLMAN**
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 regular meeting of May 13, 2024 (requires motion and vote)**
8. **PUBLIC HEARINGS, REQUESTS, RESOLUTIONS, COUNCIL DECISIONS**
 - A. Public hearing to consider a Community Development Block Grant application for the Monroe Street Housing Production Project**
 1. Presentation by Mr. Brian Reed with the Mount Rogers Planning District Commission
 2. Public hearing to receive comments regarding the Monroe Street Housing Production Project
 3. Consideration by the Town Council to approve a resolution supporting the Monroe Street Housing Production Project **(requires motion and roll call vote)**
 - B. Ordinance No. 1433, the Budget Ordinance for Fiscal Year 2024-25, on third and final reading**
 1. Staff Report/Presentation by Town Manager Brian Freeman
 2. Consideration by the Town Council to approve Ordinance No. 1433, the Budget Ordinance for Fiscal Year 2024-25, on third and final reading **(requires motion and roll call vote)**
 - C. Consider the appointment of a member to the Wytheville Tree Advisory Committee to fill a vacant position (term expires May 14, 2028)**

1. Staff Report/Presentation by Town Clerk Sherry Corvin
2. Consideration by the Town Council to appoint a member to the Wytheville Tree Advisory Committee **(requires motion and vote)**

9. PRESENTATIONS TO TOWN COUNCIL

- A. Presentation of the Town of Wytheville Tree Walk Brochure by Chairwoman Alma Watson of the Wytheville Tree Advisory Committee**
- B. Presentation by Mr. Oscar Montgomery regarding a youth art project**

10. CITIZENS' PERIOD

11. NEW BUSINESS

12. REPORTS

- A. Upcoming Meetings - TOWN CLERK SHERRY CORVIN**

13. OTHER BUSINESS

- A. Schedule a public hearing to consider the request of the Virginia Department of Transportation for the Town to donate a small parcel of property located at the intersection of Main Street and 12th Street**

1. Staff Report/Presentation by Director of Public Utilities and Engineering Billy Anderson

2. Consideration by the Town Council to schedule a public hearing for the June 24, 2024, Town Council meeting **(requires motion and vote)**

- B. 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**

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

2. No action required at this time

C. Council Member Time

D. Miscellaneous

14. CLOSED MEETING

- A. Closed meeting pursuant to § 2.2-3711 (A.) (3.) Discussion regarding the proposed acquisition of real property for a public purpose (requires motion and vote)**
- B. Certification of Closed Meeting (requires motion and roll call vote)**

15. ADJOURNMENT

7-A



MINUTES

WYTHEVILLE TOWN COUNCIL MEETING

MONDAY, MAY 13, 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, Interim Town Attorney Paul Cassell, Computer Operations Manager Ron Jude, Director of Public Utilities and Engineering Billy Anderson, Planning Director John Woods, Police Officer Chastity Russell, Police Officer John Khachane, Downtown Wytheville, Inc. Executive Director Todd Wolford, Jim Cohen, Brenda Willard, Chris Fox, David Johnston, Tasos Gogos, Patricia Austin, C.J. Patel, Sheri Runnells, Danny Gordon

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 Councilwoman Candice Johnson.

5. RE: APPROVAL OF AGENDA

Mayor Taylor advised that the next agenda item is the Approval of Agenda. A motion was made by Councilwoman Johnson and seconded by Vice-Mayor Pattison to amend the agenda to include a Veteran's Banner Project Discussion as the first agenda item. 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. 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 advised that the next agenda item is the consent agenda consisting of the minutes of the regular meeting of April 22, 2024. She inquired if there was a motion to approve the minutes of the regular meeting of April 22, 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: VETERAN'S BANNER PROJECT DISCUSSION

Mayor Taylor advised that the next agenda item is discussion regarding the Veteran's Banner Project. She stated that Downtown Wytheville, Inc. Executive Director Todd Wolford would give the Council more information regarding this topic.

Downtown Wytheville Executive Director Todd Wolford thanked the Council for allowing him to speak. He noted that he has worked with Town staff and Councilwoman Johnson on this project for about two months. Director Wolford then provided some information regarding the Veteran's Banner Project, and the process of how the designs for the banners were developed. Discussion was held regarding the requirements for veterans to be able to participate in the Veteran's Banner Project. It was the consensus of the Council to allow all current and former residents of the Town and Wythe County, who are/were veterans to participate in the Veteran's Banner Project. Town Manager Freeman stated that this project has been included in the second reading of the budget for Fiscal Year 2024-25, however, the project costs will be funded by families, donors, sponsors, etc., and this will pay for the expense of the printing and design costs of the banners. Councilwoman Johnson advised that there is also a copyright fee of \$100 for the banners.

A motion was made by Councilwoman Johnson and seconded by Councilman Gillman to approve the Veteran's Banner Project with the changes made allowing current and former residents of the Town and Wythe County who are/were veterans to participate in the Veteran's Banner Program. 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.

Councilwoman Johnson thanked Director Wolford and Town Manager Freeman for working with her on this project.

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

Mayor Taylor advised that the next item on the agenda is to consider Ordinance No. 1433, the Budget Ordinance for Fiscal Year 2024-25, on second, but not final, reading. She stated that Town Manager Freeman will give the Council more information on this ordinance.

Town Manager Freeman stated that the proposed budget for Fiscal Year 2024-25 lays out the Town of Wytheville's financial plan for providing the high-quality service to residents, businesses and visitors that they have come to expect. He noted the proposed budget includes cautious revenue projections, along with modest operational increases to prepare for the financial year ahead. Town Manager Freeman continued to present various information regarding the Fiscal Year 2024-25 budget with the Council, including a three (3) percent cost of living adjustment for all full-time employees, a one (1) percent year-end holiday bonus, career development opportunities, a full-time Narcotics Investigator, the Town's expenditures, etc.

RE: ORDINANCE NO. 1433, BUDGET ORDINANCE FY 24-25 - PUBLIC HEARING

Mayor Taylor advised that the meeting constituted a public hearing (due notice having been given) to consider Ordinance No. 1433, the Budget Ordinance for Fiscal Year 2024-25. 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: ORDINANCE NO. 1433, BUDGET ORDINANCE FY 24-25 - SECOND 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 second, but not final, reading. She inquired if there was a motion to approve Ordinance No. 1433, the Budget Ordinance for Fiscal Year 2024-25, on second, but not final, reading.

Motion made by Vice-Mayor Pattison, 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: Councilman Gillman, Vice-Mayor Pattison, Mayor Taylor, Councilwoman Atkins, Councilwoman Johnson.

C. RE: ELECTRICAL FRANCHISE - STAFF REPORT/PRESENTATION

Mayor Taylor advised that the next agenda item is a staff report/presentation regarding the sale of a non-exclusive franchise, privilege, lease or right for an electric, light, heat, and power transmission and distribution system in the Town of Wytheville. She stated that Town Manager Freeman will be presenting more information to the Council regarding this matter.

Town Manager Freeman gave a brief overview of the State Code section that refers to franchises for utility and other telecommunication providers. He then reviewed information regarding the expiring franchise, the process for awarding a franchise that has taken place in the past and the due date for the Town's Invitation to Bid for

this franchise. Town Manager Freeman stated that Mayor Taylor will open any bids received and will read them aloud during the meeting. He noted that after the bids have been opened and read, the Council will hold a public hearing. Town Manager Freeman advised that it is recommended that the Council accept the bid, contingent upon negotiations with Town staff before the final review and approval at the May 28, 2024, Town Council meeting.

RE: ELECTRICAL FRANCHISE - OPENING AND READING OF BIDS

Mayor Taylor advised that the next agenda item is to open and read aloud bids that have been received to consider the sale of a non-exclusive franchise, privilege, lease or right for an electric, light, heat, and power transmission and distribution system in the Town of Wytheville. She commented that only one bid has been received to open and read aloud. Mayor Taylor stated that the bid is from Appalachian Power Company for the proposed franchise, and the amount is for \$1,000. There being no other bids to be opened and read aloud, Mayor Taylor proceeded with the agenda.

RE: ELECTRICAL FRANCHISE - PUBLIC HEARING

Mayor Taylor advised that the meeting constituted a public hearing (due notice having been given) to consider the sale of a non-exclusive franchise, privilege, lease or right for an electric, light, heat, and power transmission and distribution system in the Town of Wytheville. 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: ELECTRICAL FRANCHISE – BID ACCEPTANCE

Mayor Taylor advised that the next agenda item is the consideration by Town Council to accept the high bid contingent upon the negotiation by Town staff of an appropriate franchise agreement to be submitted to the Council for approval. She inquired if there was a motion to accept the high bid contingent upon the negotiation by Town staff of an appropriate franchise agreement to be submitted to the Council for approval.

Motion made by Vice-Mayor Pattison, Seconded by Councilman Gillman. Mayor Taylor inquired if there was any discussion on the motion. Councilwoman Atkins stated that she would like to lessen the number of years of the next franchise agreement. Town Manager Freeman stated that Staff will look into this. There being no further discussion, the motion was approved with the following voting results, by roll call vote: Councilwoman Johnson, Councilwoman Atkins, Mayor Taylor, Vice-Mayor Pattison, Councilman Gillman.

D. RE: TRAFFIC CONTROL REQUEST - WYTHEVILLE TRAINING SCHOOL CULTURAL CENTER

Mayor Taylor advised that the next agenda item is to consider the request of the Wytheville Training School Cultural Center for traffic control on Saturday, July 20, 2024, for a Street Fair event. She inquired if there was a motion to approve the request of the Wytheville Training School Cultural Center for traffic control on Saturday, July 20, 2024, for a Street Fair event.

Motion made by Councilwoman Johnson, Seconded by Councilman Gillman. 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.

E. RE: RESOLUTION - VDOT PROJECT FUNDING AND COMMITMENT AND SIGNATURE AUTHORITY

Mayor Taylor advised that the next agenda item is to consider approving a resolution from the Virginia Department of Transportation (VDOT) for Project Funding and Commitment and Signature Authority. Town Manager Freeman briefly explained the details of the resolution to the Town Council and noted that it provides VDOT with who has signatory authority at the Town and/or the ability to execute agreements and/or addendums for approved projects. He commented that a similar resolution has been adopted by the Town Council in the past. Mayor Taylor inquired if there was a motion to approve a resolution from the Virginia Department of Transportation (VDOT) for Project Funding and Commitment and Signature Authority.

Motion made by Councilwoman Johnson, Seconded by Councilman Gillman. Mayor Taylor inquired if there was any further 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.

F. RE: RESOLUTION - SMART SCALE APPLICATION TO VDOT FOR NORTH 4TH STREET PEDESTRIAN IMPROVEMENTS

Mayor Taylor advised that the next agenda item is to consider approving a resolution supporting a Smart Scale application to provide pedestrian improvements on North 4th Street from Commonwealth Drive to Northwinds Apartments. Planning Director John Woods presented the Town Council with a Staff Report regarding the North 4th Street Pedestrian Improvements Project, which would include the construction of sidewalks extending from Virginia Avenue to Northwinds Apartments, new signalized crosswalks at Commonwealth Drive and project is approved, it will be 100 percent funded by the Virginia Department of Transportation (VDOT), which means that no local match would be required. Planning Director Woods advised that it would be the recommendation of Town Staff for the Town Council to approve the resolution endorsing the SMART SCALE application to VDOT because it is a requirement of the application process. He explained the application process to the Town Council and noted that the application deadline was August 1, 2024. Mayor Taylor thanked Planning Director Woods for his presentation. She inquired if there was a motion to approve a resolution supporting a Smart Scale application to provide pedestrian improvements on North Fourth Street from Commonwealth Drive to Northwinds Apartments.

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.

G. RE: RESOLUTION - GEORGE WYTHE HIGH SCHOOL ATHLETIC TEAMS AND ACADEMIC TEAMS

Mayor Taylor advised that the next agenda item is to consider a resolution recognizing the George Wythe High School Athletic Teams and Academic Teams. She inquired if there was a motion to approve a resolution recognizing the George Wythe High School Athletic Teams and Academic Teams.

Motion made by Vice-Mayor Pattison, 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 in favor and there being no opposition: Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilwoman Atkins, Councilman Gillman, Councilwoman Johnson.

H. RE: TREE ADVISORY COMMITTEE APPOINTMENT

Mayor Taylor advised that the next agenda item is to consider scheduling a Meet-and-Greet session or appointing a member to the Wytheville Tree Advisory Committee to fill a vacant position (term expires May 14, 2028). She inquired if Town Clerk Corvin had any comments regarding this agenda item. Town Clerk Corvin stated that it was self-explanatory in the agenda information, which noted that the Town Council could elect to schedule a Meet-and-Greet session or make the four-year appointment to the Committee, at this meeting. Mayor Taylor inquired if there was a motion to consider scheduling a Meet-and-Greet session or appointing a member to the Wytheville Tree Advisory Committee to fill the vacant position (term expires May 14, 2028).

A motion made by Councilwoman Johnson and seconded by Councilwoman Atkins to schedule a Work Session on May 28, 2024, at 4:30 p.m., for a Meet-and-Greet session with an applicant to be considered for appointment to the Wytheville Tree Advisory Committee. Mayor Taylor inquired if there was any discussion on the motion. Councilwoman Atkins confirmed that the Council has the choice to schedule a Meet-and-Greet session or appoint a member. She inquired if the Council has been in a routine of scheduling Meet-and-Greet sessions for applicants. Mayor Taylor stated that she thinks that it depends on the situation. Discussion ensued regarding whether to schedule a Meet-and-Greet session or to appoint the applicant and if the Meet-and-Greet had to be held at a certain time. Mayor Taylor advised that the motion and second is to schedule a Work Session for May 28, 2024, at 4:30 p.m. to hold a Meet-and-Greet session with an applicant to be considered for appointment to the Wytheville Tree Advisory Committee. She inquired if there was any further 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.

I. RE: PUBLIC HEARING - MONROE STREET HOUSING PRODUCTION PROJECT

Mayor Taylor advised that the next agenda item is to consider scheduling a public hearing for the May 28, 2024, Town Council meeting to consider a Community Development Block Grant application for the Monroe Street Housing Production Project. Assistant Town Manager Holeton stated that this application is due on June 12, 2024. She commented that if the Council chooses to follow Town Staff's recommendation, a public hearing could be scheduled for the May 28, 2024, Town Council meeting, which would meet the requirement of the grant application for the project. Assistant Town Manager Holeton advised that if the Council chooses to schedule the public hearing at the meeting on May 28, 2024, Town Staff will review the project in greater detail, but, at this meeting, all that needs to take place is the scheduling of the public hearing. Mayor Taylor inquired if there is a motion to schedule a public hearing for the May 28, 2024, Town Council meeting to consider a Community Development Block Grant application for the Monroe Street Housing Production Project.

Motion made by Councilwoman Atkins, Seconded by Vice-Mayor Pattison. 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.

J. RE: PUBLIC HEARING - STREET VACATION REQUEST - HOUSEMAN AND HARMAN

Mayor Taylor advised that the next agenda item is 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, and appoint viewers for this street vacation request. Director of Public Utilities and Engineering Billy Anderson briefly reviewed the street vacation request with the Town Council members. He stated that Town Staff recommends that the Council schedule a public hearing for the June 10, 2024, Town Council meeting to consider the street vacation request. Mayor Taylor inquired if there were any questions for Director Anderson. There being none, Mayor Taylor inquired if there was a motion to schedule a public hearing for the June 10, 2024, Town Council meeting 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, and to appoint the Public Works Committee as viewers for this street vacation request.

Motion made by Vice-Mayor Pattison, 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 in favor and there being no opposition: Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilwoman Atkins, Councilman Gillman, Councilwoman Johnson.

9. 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 for the citizens who signed in to speak to please come to the podium, state his or her name and address and limit comments to three minutes unless speaking on behalf of a group and then individuals will have seven minutes to speak.

Mr. David Johnston was recognized and stated that he resides at 650 South 10th Street in Wytheville. Mr. Johnston addressed the Town Council regarding the Town's public alley located near his home, the Town's Mowing Ordinance, and his displeasure regarding the ordinance. Discussion ensued regarding the enforcement, the billing for the mowings and the public notices regarding the Town's Mowing Ordinance. Mayor Taylor thanked Mr. Johnston for his comments. Mr. Johnston thanked the Council for allowing him to speak. Councilwoman Atkins stated that if the mowing notice was not posted in the Town's water bills, then she would like to have further discussion about the topic because she knows a lot of citizens do not get a newspaper due to the price, some citizens do not have internet, etc. She reiterated that if the notice was not posted in the water bill, she would like the Town Council to discuss adjusting mowing bills at another meeting. Town Manager Freeman inquired of the Town Council if there was a consensus for Town Staff to place a reminder regarding the Town's Mowing Regulations in the next water bill if the notice has not already been included this year. A motion was made by Councilwoman Johnson and seconded by Councilwoman Atkins for Town Staff to place the Town's Mowing Regulations as an insert in the next mailing of water bills if the notice was not already included in the water bills this year. 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.

Mr. Tasos Gogos was recognized and stated that he owns Papa Taso's restaurant, and he resides at 552 North 10th Street in Wytheville. Mr. Gogos advised that he would like to address the Council regarding the benefits of business owners in downtown Wytheville, and the struggles of business owners located outside of the downtown area in town. Town Manager Freeman noted that business owners townwide have the same benefits, however, they are worded differently. He then explained some of the benefits that are available to business owners in Wytheville. Mr. Gogos inquired if he could schedule a meeting with Town Manager Freeman to discuss this matter further, so that he can receive a better understanding of the information Town Manager Freeman presented. Town Manager Freeman stated that Town Staff would set up a time for a meeting with Mr. Gogos regarding the benefits for business owners.

Mr. C.J. Patel was recognized and stated that he owns the Sleep Inn hotel in Wytheville. Mr. Patel thanked Staff for their follow-up email with him, from the last Town Council meeting, regarding the issues with streetlights that he discussed with the Council. He inquired about limited access areas where some of the streetlights are located, and if he could receive some more information regarding limited access areas. Town Manager Freeman defined a "limited access" area. He stated that he would like for him, and Assistant Town Manager Holeton to meet with Mr. Patel to discuss the streetlights he has referred to that are located in a limited access area. Discussion was held regarding these streetlight outages, the police patrolling businesses in Wytheville, police patrolling businesses in surrounding localities and mowing concerns.

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.

10. RE: PRESENTATIONS TO TOWN COUNCIL

A. RE: PRESENTATION TO TOWN COUNCIL - UPDATE ON ACTIVITIES OF THE WYTHEVILLE TRAINING SCHOOL CULTURAL CENTER

Mayor Taylor advised that the next agenda item is a presentation by Ms. Patricia Austin to provide an update on the activities of the Wytheville Training School Cultural Center. She stated that Ms. Austin will now give the Council an update regarding this topic.

Ms. Patricia Austin was recognized and stated that she resides at 705 East Withers Road. Ms. Austin stated that their mission supports education to preserve the history, artifacts and the facility of the former African American Heritage Center. She gave a brief history of the Wytheville Training School Cultural Center. Ms. Austin stated that the Wytheville Training School Cultural Center has provided adult education through Mount Rogers, computer and smart phone education, community focus education, etc. She noted that within the last four (4) months, the Wytheville Training School and Cultural Center has had over 346 encounters. Ms. Austin then reviewed these encounters and how many there were in each program with the Council. She stated that the Wytheville Training School and Cultural Center will be hosting fraud prevention training, celebrating Juneteenth, conducting an International Hot Dog Extravaganza fundraiser, holding a Street Fair event, etc. The Town Council thanked Ms. Austin for her presentation.

B. RE: PRESENTATION TO TOWN COUNCIL - UPDATE ON MOUNTAIN VIEW DRIVE PUBLIC INPUT SESSION

Mayor Taylor advised that the next agenda item is a presentation by Planning Director John Woods to provide an update on the public input session regarding traffic calming on Mountain View Drive. She stated that Planning Director Woods would now give the Council more information regarding the public input session.

Planning Director Woods stated that, recently, a public input session was held at the Wytheville Meeting Center regarding traffic calming on Mountain View Drive. He noted that he presented some of the traffic calming options for Mountain View Drive included chicanes, miniature roundabouts, painted curb bump-outs and speed humps. Director Woods commented that based off the options that were proposed, citizens did not like any of the options. He then briefly reviewed the results of these options from citizens with the Council. Planning Director Woods advised that there was a little more support from citizens to add an additional STOP sign at the intersection of Mountain View Drive and 17th Street. Discussion was held regarding the public comments that were received from citizens during the public input session and traffic calming on Mountain View Drive. Director Woods stated that based off the feedback from citizens, he would recommend not implementing any costly traffic calming options and, instead, to consider some additional enforcement in the area during the busiest times that have been indicated at the public input session. Councilwoman Johnson stated that she would like to thank Town staff for working

together with the citizens of Mountain View Drive to receive their comments and suggestions regarding the speeding issues on Mountain View Drive.

11. RE: NEW BUSINESS

Mayor Taylor advised that the next agenda item is New Business. Town Manager Freeman stated that he did not have any New Business to report, at this time.

12. RE: REPORTS

A. RE: UPCOMING MEETINGS

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

1. The Wytheville Redevelopment and Housing Authority will meet on Wednesday, May 15, 2024, at 12:00 p.m., at the Housing Authority Office.
2. The New River Regional Water Authority will meet on Thursday, May 16, 2024, at 10:00 a.m., at the Water Plant in Austinville.
3. The District III Board of Directors will meet on Thursday, May 16, 2024, at 6:00 p.m., at the Marion Office.
4. The Homestead Museum Advisory Board will meet on Friday, May 17, 2024, at 10:00 a.m., at the Jackson House.
5. The Downtown Wytheville, Incorporated (DTW) Board of Directors will meet on Monday, May 20, 2024, at 5:30 p.m., at the DTW Office.
6. The Board of Zoning Appeals will hold its annual meeting on Thursday, May 23, 2024, at 11:00 a.m., in the Council Chambers.
7. The Joint Industrial Development Authority of Wythe County (JIDA) will meet on Thursday, May 23, 2024, at 3:00 p.m., in the Council Chambers of the Municipal Building.
8. The Town of Wytheville Municipal Offices will be closed, and all services curtailed, on Monday, May 27, 2024, due to the Memorial Day holiday.
9. The next regular scheduled meeting of the Wytheville Town Council will be held on Tuesday, May 28, 2024, at 5:00 p.m., in the Council Chambers of the Municipal Building.

13. RE: OTHER BUSINESS

A. RE: COUNCIL MEMBER TIME

Mayor Taylor advised that the next agenda item is Council Member Time. She inquired if Councilman Gillman had anything to discuss during Council Member Time. Councilman Gillman stated that he would like to suggest that the Town Council adopt a resolution recognizing the Vintage Baseball team. A brief discussion was held

regarding adopting a resolution at a future Town Council meeting to recognize the Vintage Baseball team.

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 stated that she did not have anything to discuss during Council Member Time.

Mayor Taylor inquired if Councilwoman Johnson had anything to discuss during Council Member Time. Councilwoman Johnson stated that she would like to thank Town Manager Freeman and Lieutenant Bard for their work toward resolving the traffic concerns on Main Street from the owner of The Paper Clip.

Mayor Taylor inquired if Councilwoman Atkins had anything she would like to discuss during Council Member Time. Councilwoman Atkins inquired about paving on West Fulton Street, which is a dead end. Town Manager Freeman stated that he would check to see if this street is included in the paving schedule.

Councilwoman Atkins inquired about possibly installing curb and guttering on the 1300 block of West North Street due to stormwater runoff during substantial rain events. Town Manager Freeman stated that he would look into this request.

Councilwoman Atkins inquired if the Council would consider approving Friday, July 5, 2024, as a holiday for Town employees to extend the observance of the July 4, holiday. Vice-Mayor Pattison inquired if Wythe County was also giving their employees July 5, 2024, off. Councilwoman Atkins stated that she was not sure, however, she would like to give Town employees this day off regardless. A discussion was held regarding considering July 5, 2024, as a holiday for Town employees to extend the observance of July 4.

A motion was made by Councilwoman Atkins and seconded by Councilwoman Johnson to approve Friday, July 5, 2024, as a one-time Town employee holiday due to the July 4 holiday. 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.

14. RE: CLOSED MEETING

- A. Mayor Taylor advised that it would be necessary for the Council to go into a Closed Meeting pursuant to Section 2.2-3711 (A.) (3.) Discussion regarding the proposed acquisition of real property for a public purpose. She inquired if there was a motion to go into a Closed Meeting.

Motion made by Councilwoman Johnson, Seconded by Councilman Gillman. 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. (6:49 p.m.)

B. RE: CERTIFICATION OF CLOSED MEETING

Mayor Taylor advised that it would now be necessary to certify the Closed Meeting. She noted that it would also be necessary to reconvene into open session. Mayor Taylor inquired if there was a motion to certify the Closed Meeting held pursuant to Section 2.2-3711 (A.) (3.) Discussion regarding the proposed acquisition of real property for a public purpose and that only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification applies, and only such public business matters were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Council.

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: Councilman Gillman, Vice-Mayor Pattison, Mayor Taylor, Councilwoman Atkins, Councilwoman Johnson. (7:23 p.m.)

15. RE: ADJOURNMENT

There being no further business to be discussed a motion was made, seconded and carried to adjourn the meeting. (7:24 p.m.)

Beth A. Taylor, Mayor

Sharon G. Corvin, CMC, Clerk of Council

8-A

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	May 28, 2024
Subject:	Public Hearing – Community Development Block Grant Monroe Street Housing Production Project

SUMMARY:

A public hearing has been scheduled to receive public comments about a Community Development Block Grant (CDBG) application for the Monroe Street Housing Production Project. Mr. Brian Reed with the Mount Rogers Planning District Commission will be attending the meeting to discuss this CDBG application with the Town Council members. After receiving comments from interested citizens, the public hearing should be closed.

The grant amount for which the Town is applying is \$1,500,000. Enclosed is a resolution supporting the Monroe Street Housing Production Project for the Council to consider adopting.

Recommended Action

To adopt the resolution of support for this project, it will require a motion and roll call vote by the Town Council.

Resolution



In Support of a Virginia Community Development Block Grant Application for the Monroe Street Housing Production Project

WHEREAS, the Town of Wytheville has identified Housing as a priority in its ongoing community and economic development plans; and,

WHEREAS, pursuant to the public hearings held on December 5, 2023, and May 28, 2024, Wytheville wishes to apply for up to \$1,500,000.00 of Virginia Community Development Block Grant Public Infrastructure funds for infrastructure associated with the Monroe Street Housing Production project; and,

WHEREAS, this is \$5,081,850.00 in match awarded to Open Door Community from Congressional Earmark and DHCD that will also be expended on construction of housing units and other associated cost for this project; and,

WHEREAS, the new housing units will be made available for mix-income affordable housing with a minimum of 51% low-to-moderate income households.

NOW, THEREFORE, BE IT RESOLVED that the Wytheville Town Manager is hereby authorized to sign and submit appropriate documents for the Community Development Block Grant application.

Adopted this 28th day of May, 2024.

Beth A. Taylor, Mayor

ATTEST:

Sharon G. Corvin, CMC, Town Clerk

8-B

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	May 28, 2024
Subject:	Ordinance No. 1433, the Budget Ordinance for Fiscal Year 2024-25

SUMMARY:

Please find attached Ordinance No. 1433, the Budget Ordinance for Fiscal Year 2024-25, on third and final reading. Town Manager Freeman will review the Budget Ordinance with the Town Council members.

Recommended Action

To adopt Ordinance No. 1433, the Budget Ordinance for Fiscal Year 2024-25, on third and final reading, a motion and roll call vote is required by the Town Council.

2024-2025 PROPOSED BUDGET SUPPLEMENTAL INFORMATION

PROPOSED GENERAL FUND EXPENDITURES PG1		CURRENT BUDGET	PROPOSED BUDGET	INCREASE OR DECREASE
11010	TOWN COUNCIL	\$1,307,563	\$1,690,373	\$382,810
11020	TOWN CLERK	\$256,356	\$280,803	\$24,447
11030	COMMISSION MEMBERS	\$12,621	\$12,621	\$0
12110	TOWN MANAGER	\$174,587	\$180,871	\$6,284
12120	ASSISTANT TOWN MANAGER	\$149,400	\$153,888	\$4,488
12210	TOWN ATTORNEY	\$110,649	\$141,335	\$30,686
12240	AUDITING AND LEGAL SERVICES	\$90,000	\$130,000	\$40,000
12410	TOWN TREASURER'S OFFICE	\$338,328	\$352,033	\$13,705
12520	AUTOMOTIVE/MOTOR POOL	\$328,982	\$346,227	\$17,245
12600	ENGINEERING DEPARTMENT	\$236,640	\$219,765	-\$16,875
12710	HUMAN RESOURCES	\$281,491	\$290,973	\$9,481
12820	COMPUTER OPERATIONS	\$385,858	\$433,816	\$47,958
21600	CLERK OF COURT	\$0	\$2,500	\$2,500
31100	POLICE DEPARTMENT	\$3,375,087	\$3,597,898	\$222,811
32100	FIRE & EMS	\$2,560,757	\$2,999,887	\$439,130
34100	INSPECTIONS-BUILDING	\$179,959	\$216,699	\$36,740
35100	ANIMAL & PEST CONTROL	\$111,534	\$120,885	\$9,351
35600	TRANSIT SYSTEM	\$39,738	\$52,218	\$12,480
41150	PUBLIC WORKS ADMINISTRATION	\$122,089	\$189,558	\$67,469
41200	MAINTENANCE OF STREETS	\$1,863,583	\$1,780,564	-\$83,019
41330	SNOW AND ICE REMOVAL	\$188,534	\$70,937	-\$117,597
41400	TRAFFIC STREETS, SIGN & LIGHTS	\$745,581	\$754,813	\$9,232
41550	STREET CONSTRUCTION	\$1,115,500	\$674,722	-\$440,778
42200	STREET AND ROAD CLEANING	\$72,374	\$75,495	\$3,121
42300	REFUSE COLLECTION	\$468,602	\$206,322	-\$262,280
42400	LANDFILL	\$91,300	\$99,300	\$8,000
42500	WEED CONTROL-MOWING	\$326,714	\$386,717	\$60,003
43200	GENERAL PROPERTIES/TOWN GARAGE	\$126,268	\$232,067	\$105,799
43300	EMS BUILDING	\$36,000	\$36,000	\$0
43400	TOWN HALL	\$267,948	\$247,947	-\$20,001

CONTINUED ON PG 2

PROPOSED GENERAL FUND EXPENDITURES PG 2		CURRENT BUDGET	PROPOSED BUDGET	INCREASE OR DECREASE
43500	4TH STREET CIVIC CENTER	\$23,996	\$29,996	\$6,000
43600	PARKS/SPORTS COMPLEXES	\$80,007	\$87,527	\$7,520
43700	CONFERENCE AND COMMUNITY CENTER	\$647,085	\$792,214	\$145,129
43800	POLICE/FIRE BUILDING	\$50,750	\$77,750	\$27,000
43900	ANIMAL SHELTER	\$3,800	\$5,200	\$1,400
44000	E LEE TRINKLE VISTOR CENTER	\$182,455	\$185,153	\$2,698
44200	MEETING CENTER	\$617,591	\$692,075	\$74,484
51000	COMMUNITY ACTIVITIES - REIMBUR	\$12,094	\$12,094	\$0
53300	TAX RELIEF - ELDERLY & VETERAN	\$20,000	\$20,000	\$0
71290	FITNESS INSTRUCTION	\$125,973	\$131,145	\$5,172
71300	RECREATION ADMINISTRATION	\$535,370	\$584,686	\$49,316
71310	COMMUNITY PROGRAMS	\$249,172	\$272,021	\$22,849
71320	OUTDOOR SWIMMING POOL	\$112,360	\$275,248	\$162,888
71330	ATHLETIC PROGRAMS	\$168,813	\$283,946	\$115,133
71350	INDOOR SWIMMING POOL	\$978,870	\$417,205	-\$561,665
71360	YOUTH/TEEN CENTER	\$175,645	\$183,993	\$8,348
71370	FITNESS CENTER	\$155,816	\$164,237	\$8,421
71380	FIT FOR LIFE GRANT OCT 21- SEP	\$25,000	\$25,000	\$0
71390	FIT FOR LIFE GRANT OCT 20 - SE	\$25,000	\$25,000	\$0
71400	CEMETERIES	\$258,170	\$266,132	\$7,962
72200	MUSEUMS/HERITAGE PRESERVATION	\$608,205	\$466,802	-\$141,403
72500	MUSEUM HERITAGE EDUCATION PROG	\$153,990	\$165,209	\$11,219
72800	HOMESTEAD MUSEUM	\$193,582	\$154,582	-\$39,000
81600	TOURISM & COMMUNITY DEVELOPMENT	\$602,891	\$608,687	\$5,796
81700	JOINT I D A	\$300,262	\$304,859	\$4,597
81800	CHAMBER OF COMMERCE DIRECTOR	\$139,753	\$142,818	\$3,065
81900	MAIN STREET PROGRAM	\$137,432	\$135,079	-\$2,353
83100	HORTICULTURE	\$517,184	\$472,379	-\$44,805
95200	DEBT RETIREMENT	\$994,645	\$978,468	-\$16,177
TOTAL		\$23,459,954	\$23,936,739	\$476,785

2024-2025 PROPOSED BUDGET SUPPLEMENTAL INFORMATION

PROPOSED WASTEWATER FUND EXPENDITURES		CURRENT BUDGET	PROPOSED BUDGET	INCREASE OR DECREASE
46000	WASTEWATER ADMINISTRATION	\$257,174	\$517,405	\$260,231
46200	WASTEWATER TREATMENT PLANT	\$1,465,784	\$1,586,641	\$120,857
46400	WASTEWATER SYSTEM MAINTENANCE	\$34,102	\$35,713	\$1,611
46600	WASTEWATER CONSTRUCTION	\$13,758	\$12,450	-\$1,308
46700	WASTEWATER PRETREATMENT PROGRA	\$113,007	\$122,488	\$9,481
46900	WASTEWATER UTILITIES	\$2,263,761	\$2,499,893	\$236,132
95300	DEBT RETIREMENT	\$669,913	\$460,540	-\$209,373
TOTAL		\$4,817,499	\$5,235,131	\$417,632

PROPOSED WATER FUND EXPENDITURES		CURRENT BUDGET	PROPOSED BUDGET	INCREASE OR DECREASE
45000	WATER ADMINISTRATION	\$3,147,576	\$3,189,375	\$41,799
45100	WATER TREATMENT PLANT	\$1,238,350	\$1,362,019	\$123,669
45300	WATER SYSTEM MAINTENANCE	\$582,033	\$743,686	\$161,653
45500	WATER CONSTRUCTION	\$180,517	\$185,120	\$4,603
45900	WATER UTILITIES	\$280,945	\$532,682	\$251,737
95100	DEBT RETIREMENT	\$651,311	\$651,311	\$0
TOTAL		\$6,080,732	\$6,664,193	\$583,461

	OPEB FUND	CURRENT	PROPOSED	INCREASE OR DECREASE
11010	APPROPRIATIONS	\$24,000	\$40,000	\$16,000
	TOTAL	\$24,000	\$40,000	\$16,000

	PERPETUAL CARE FUND	CURRENT	PROPOSED	INCREASE OR DECREASE
73100	APPROPRIATIONS	\$37,200	\$30,000	-\$7,200
	TOTAL	\$37,200	\$30,000	-\$7,200

	WALL OF HONOR FUND	CURRENT	PROPOSED	INCREASE OR DECREASE
82000	APPROPRIATIONS	\$2,000	\$2,000	\$0
	TOTAL	\$2,000	\$2,000	\$0

	JAM FUND	CURRENT	PROPOSED	INCREASE OR DECREASE
87000	APPROPRIATIONS		\$20,000	\$20,000
	TOTAL		\$20,000	\$20,000

TOTAL PROPOSED EXPENDITURES - ALL FUNDS		\$34,421,385	\$35,928,063	\$1,506,678
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2024-2025 PROPOSED BUDGET SUPPLEMENTAL INFORMATION

GENERAL FUND REVENUES		CURRENT	PROPOSED	INCREASE OR DECREASE
11010	REAL ESTATE TAXES	\$2,000,000	\$1,898,000	-\$102,000
11020	PUBLIC SERVICE TAX	\$60,000	\$60,000	\$0
11030	PERSONAL PROPERTY TAX	\$330,000	\$330,000	\$0
11040	MOBILE HOME TAX	\$1,300	\$1,300	\$0
11050	MACHINERY & TOOLS	\$148,500	\$175,000	\$26,500
11060	PENALTY & INTEREST	\$16,000	\$16,000	\$0
12000	LOCAL TAXES	\$8,093,187	\$9,142,723	\$1,049,536
12030	BUSINESS LICENSES	\$1,750,000	\$1,800,000	\$50,000
13000	PERMITS	\$92,150	\$92,150	\$0
14000	FINES	\$18,000	\$25,000	\$7,000
15000	INTEREST ON INVESTMENTS	\$565,000	\$700,000	\$135,000
15010	USE OF PROP./SALE OF MATERIA	\$66,100	\$56,100	-\$10,000
16020	EMERGENCY MEDICAL SERVICES	\$885,000	\$885,000	\$0
16030	FIRE SERVICES	\$7,500	\$5,000	-\$2,500
16040	REIMBURSEMENT FARMERS MARKET	\$1,800	\$1,800	\$0
16050	REIMBURSEMENT OTHER ENTITIES	\$589,447	\$594,756	\$5,309
16060	CHARGES FOR ANIMAL CONTROL	\$50	\$50	\$0
16070	MISCELLANEOUS ASSESSMENTS	\$725	\$725	\$0
16080	MOWING CHARGES	\$20,800	\$25,800	\$5,000
16130	RECREATION DEPARTMENT	\$645,250	\$866,450	\$221,200
16160	COPIES	\$2,000	\$2,000	\$0
17000	MUSEUMS	\$60,550	\$60,550	\$0
17001	HOMESTEAD MUSEUMS	\$0	\$0	\$0
17500	MEETING CENTER	\$186,100	\$166,700	-\$19,400
18000	MISCELLANEOUS	\$722,636	\$323,480	-\$399,156
18000	USE OF RESERVES	\$1,159,689	\$2,387,156	\$1,227,467
22000	NON CATEGORICAL AID	\$473,500	\$453,500	-\$20,000
24000	CATEGORICAL AID	\$4,627,670	\$3,832,500	-\$795,170
32000	GRANTS & LOANS	\$904,000	\$2,000	
41000	SALE OF CEMETERY SPACES	\$33,000	\$33,000	\$0
TOTAL		\$23,459,954	\$23,936,739	\$1,378,786

PROPOSED WASTEWATER FUND REVENUES		CURRENT	PROPOSED	INCREASE OR DECREASE
15000	INTEREST	\$ 7,000.00	\$ 7,000.00	-
18000	USE OF RESERVES	\$ 204,026.00	\$ 440,000.00	235,974
32000	GRANTS/LOANS	\$ 2,040,834.25	\$ 1,444,051	(596,783)
80000	REVENUES SEWER SERVICES/CHARGES	\$ 2,565,639.09	\$ 3,344,080	778,441
TOTAL		\$4,817,499	\$5,235,131	\$417,632

PROPOSED WATER FUND REVENUES		CURRENT	PROPOSED	INCREASE OR DECREASE
15000	INTEREST	3,500	3,500	\$0
18000	USE OF RESERVES	123,420	437,383	\$313,963
32000	BOND PROCEEDS	1,550,000	1,550,000	\$0
70000	REVENUES WATER SERVICES/CHARGES	4,358,812	4,628,310	\$269,498
90000	PENALTIES	\$ 45,000.00	\$ 45,000.00	\$0
TOTAL		\$6,080,732	\$6,664,193	\$583,461

PROPOSED OPEB FUND REVENUES		CURRENT	PROPOSED	INCREASE OR DECREASE
15000	CONTRIBUTION TO FUND	\$24,000	\$40,000	\$16000
18000	USE OF RESERVES	\$0	\$0	\$0
TOTAL		\$24,000	\$40,000	\$16000

PROPOSED PERPETUAL CARE FUND REVENUES		CURRENT	PROPOSED	INCREASE OR DECREASE
18000	USE OF RESERVES	37,200	30,000	(\$7,200)
TOTAL		37,200	30,000	(\$7,200)

PROPOSED WALL OF HONOR FUND REVENUES		CURRENT	PROPOSED	INCREASE OR DECREASE
15000	INTEREST	\$100	\$100	\$0
18000	DONATIONS	\$1,900	\$1,900	\$0
TOTAL		\$2,000	\$2,000	\$0

PROPOSED HOMESTEAD ENDOWMENT FUND REVENUES		CURRENT	PROPOSED	INCREASE OR DECREASE
15000	INTEREST ON ENDOWMENT	\$0	\$0	\$0
17000	FEES	\$0	\$0	\$0
18000	USE OF RESERVES	\$0	\$0	\$0
TOTAL		\$0	\$0	\$0

PROPOSED JAM FUND REVENUES		CURRENT	PROPOSED	INCREASE OR DECREASE
	TRANSFER FROM GENERAL FUND	\$0	\$12000	\$0
	CONTRIBUTIONS		\$8000	
TOTAL		\$0	\$20000	\$0

TOTAL REVENUES - ALL FUNDS		\$34,421,385	\$35,928,063	\$1,506,678
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TOWN OF WYTHEVILLE

FY24-25 BUDGET

THIRD READING

MAY 28, 2024

GENERAL FUND

REVENUES & APPROPRIATIONS	CURRENT	PROPOSED	INCREASE (DECREASE)	
REVENUES	\$ 23,459,954	\$ 23,936,739	\$ 476,785	2.03%
APPROPRIATIONS	\$ 23,459,954	\$ 23,936,739	\$ 476,785	

WASTEWATER FUND

REVENUES & APPROPRIATIONS	CURRENT	PROPOSED	INCREASE (DECREASE)	
REVENUES	\$ 4,817,499	\$ 5,235,131	\$ 417,632	8.67%
APPROPRIATIONS	\$ 4,817,499	\$ 5,235,131	\$ 417,632	

WATER FUND

REVENUES & APPROPRIATIONS	CURRENT	PROPOSED	INCREASE (DECREASE)	
REVENUES	\$ 6,080,732	\$ 6,664,193	\$ 583,461	9.60%
APPROPRIATIONS	\$ 6,080,732	\$ 6,664,193	\$ 583,461	

OPEB FUND

REVENUES & APPROPRIATIONS	CURRENT	PROPOSED	INCREASE (DECREASE)	
REVENUES	\$ 24,000	\$ 40,000	\$ 16,000	66.67%
APPROPRIATIONS	\$ 24,000	\$ 40,000	\$ 16,000	

PERPETUAL CARE FUND

REVENUES & APPROPRIATIONS	CURRENT	PROPOSED	INCREASE (DECREASE)	
REVENUES	\$ 37,200	\$ 30,000	\$ (7,200)	-19.35%
APPROPRIATIONS	\$ 37,200	\$ 30,000	\$ (7,200)	

WALL OF HONOR FUND

REVENUES & APPROPRIATIONS	CURRENT	PROPOSED	INCREASE (DECREASE)	
REVENUES	\$ 2,000	\$ 2,000	\$ -	0.00%
APPROPRIATIONS	\$ 2,000	\$ 2,000	\$ -	

JAM FUND

REVENUES & APPROPRIATIONS	CURRENT	PROPOSED	INCREASE (DECREASE)	
REVENUES	\$ -	\$ 20,000	\$ 20,000	
APPROPRIATIONS	\$ -	\$ 20,000	\$ 20,000	

TOTAL ALL FUNDS

REVENUES & APPROPRIATIONS	CURRENT	PROPOSED	INCREASE (DECREASE)	
REVENUES	\$ 34,421,385	\$ 35,928,063	\$ 1,506,678	4.38%
APPROPRIATIONS	\$ 34,421,385	\$ 35,928,063	\$ 1,506,678	

ORDINANCE NO. 1433

At a regular meeting of the Town Council of the Town of Wytheville, Virginia, held in the Council Chambers on the 22nd day of April, 2024, at 5:00 p.m.

Present:

Absent:

Ordinance No. 1433 concerning the budget for fiscal year beginning July 1, 2024, and ending June 30, 2025.

An Ordinance setting the tax rate at \$0.20 per \$100 valuation of Real Estate and Mobile Homes, \$0.33 per \$100 valuation of Machinery and Tools, \$0.38 per \$100 valuation of Personal Property, excluding household goods and personal effects and including the property separately classified by Sections 58.1-3200 and 58.1-3503 of the Code of Virginia, the Personal Property Tax Relief Act as authorized by Section 58.1-3523 of the Code of Virginia in the amount of thirty six and forty eight one hundredths per centum (36.48%), and a Bank Franchise Tax as authorized by Section 58.1-1209 of the Code of Virginia in the amount of eighty per centum (80%) of the State rate of taxation for each one hundred dollars (\$100) of net capital of banks located in the Town. For such banks which have offices outside the corporate limits of the Town, the tax is to be apportioned as provided in Section 58.1-1211 of the Code of Virginia. The total rates as shown are for municipal purposes.

The funds as indicated are appropriated for the administration and operation of several departments in the Town of Wytheville for the fiscal year ending June 30, 2025. Be it ordained by the Council of the Town of Wytheville that the amounts, as listed herein, be appropriated from the estimate of revenues and funds on hand for the fiscal year.

8-C

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	May 28, 2024
Subject:	Appointment – Tree Advisory Committee

SUMMARY:

Please find attached one application for consideration of appointment to the Wytheville Tree Advisory Committee. This appointment would fill a vacant position that was created when the Council approved the request of the Tree Advisory Committee to increase their membership to seven. This appointment would be for a four year term that would expire May 14, 2028.

Recommended Action

To make the appointment, it will require a motion and vote by the Town Council.



COMM-24-2
Application to Serve on
Town Committee or
Board
Status: Active
Submitted On: 4/16/2024

Primary Location
No location

Applicant
Hunter Stuart
[Phone icon]
[Email icon] |
[Home icon]
Wytheville, Va 24382

APPLICANT INFORMATION

Full Legal Name*
Brandon Hunter Stuart

Applicant Mailing Street/PO Address * ?

Zip Code Mailing Address* ?
24382

Applicant Contact Phone Number* ?

Applicant Email Address* ?

Place of Employment or Other* ?

Self-employed

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.*

2008 B.S. degree in Wildlife Science/Biology from VT. Courework in Dendrology, Plant Ecology, Silviculture Techniques, Evolutionary Biology. Previous employment with Big Walker Soil and Water Conservation District 2010 - Wytheville, VA, Natural Resource Conservation Service 2011 - Wytheville, VA, a number of private sector ecological service-based company experiences 2009-present day - Berea, KY, Wheeling, WV, Lexington, KY, Blacksburg, VA. Current owner of Hunter's Wildlife Solutions, LLC - Wytheville, VA, providing services in wildlife and natural resource consulting, specializing in bat remediation and bat surveys for development/compliance projects per USFWS development procedures.

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 knowledge base or skillsets that you possess. How will you add value to the committee or board?*

Outgoing and approachable, I've worked with the general public in a paid position since 2006. I grew up in Bland, VA, only moving away to complete 2 years of college education at Virginia Tech after receiving my Associate's Degree from Wytheville Community College. I moved to Wytheville after graduating college and meeting my wife and starting a business in July of 2014. My wife and I have ran a successful fitness facility in the town of Wytheville since 2012. I've wanted to create my own ecological consulting company for many years, and as of last year, I began Hunter's Wildlife Solutions, LLC, offering an array of biological services and consulting for landowners, wildlife enthusiasts, and those with nuisance wildlife issues. I operate under the philosophy of Kaizen and am looking to surround myself with knowledgeable professionals to keep continuously improving upon myself and my community.

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.*



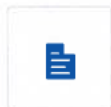
Name of Applicant:* ⓘ

Hunter Stuart

Click here to add your legally binding digital signature*

✔ Brandon Hunter Stuart
Apr 16, 2024

Attachments



Background Report Release Form and Personnel Record Release Form REQUIRED
Stuart_Hunter_071922-Town-Committee-Board-Packet-and-Background-Release-Forms_4_16_24.pdf
Uploaded by Hunter Stuart on Apr 16, 2024 at 2:51 PM

9-A

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	May 28, 2024
Subject:	Presentation – Tree Walk Brochure

SUMMARY:

Ms. Alma Watson, Chairperson of the Wytheville Tree Advisory Committee, will be attending the meeting to make a presentation to the Town Council on the Wytheville Tree Walk Brochure. A copy of the brochure is attached for your review.

Recommended Action

No action required.



1 **Live Oak, *Quercus virginiana***

225 S 4th St • 36.9475245, -81.0842839

This tree was given to Wythe County by the State of Texas in honor of Stephen F. Austin, who is considered the Father of Texas. Mr. Austin was born in Austinville, VA and migrated west in his youth. It was dug during the construction of the Courthouse Annex, maintained for two years by the horticulture students at the Wythe County Technology Center and replanted in its current location.

On the right side of the Courtyard at Wythe County Courthouse. This small tree sits beside a small Holly.



2 **Black Locust, *Robina pseudoacacia***

600 W Franklin St • 36.9447769, -81.0865286

This huge, stately black locust was featured in the book, "Remarkable Trees of Virginia". It is the largest Black Locust in the state, measuring 95 feet tall and over 14 feet in diameter.

Front yard beside sidewalk.



3 **Magnolia, *Magnolia grandiflora***

285 S 20th St • 36.9411093, -81.0913623

This lovely Magnolia tree was given to Benny Burkett by the Ruritan Club for his years of service to the community. A Magnolia can grow up to 80 feet tall and the blooms are showy and fragrant.

Large evergreen in Front yard. Visible from street.



4 **Deciduous Holly, *Ilex decidua***

750 S 20th St • Visible from Street

This Holly is located as part of the Morris' landscape. This tree was originally a part of the Sidney Kincer collection of selected Hollies located to the rear of Mr. Kincer's home on Withers Road. Mr. Kincer was an avid plant collector of Holly.

Bridge presently closed-accessible by Grayson Road. Visible from Street



5 **Holly, *Ilex***

340 Withers Rd • 36.9485068 -81.0776270

This commanding, mature Holly tree is presently owned by C.M. Walters Jr. and his wife Mary Walters. The tree was planted in the late 1940's to early 1950's by Sidney Kincer, and given to the McGavock family as a gift.

Visible from sidewalk in front yard.



6 **American Linden, *Tilia americana***

425 E Withers Rd • 36.9488409 -81.0766282

The two stately American Linden trees presently owned by Bobby and Martha James frame the home. These trees are estimated to be at least 90 years old.

Visible from street.



7 **Sugar Maple, *Acer saccharum***

485 E Withers Rd • 36.9491448, -81.0763007

Sugar Maple tree at 495 East Withers Road - Property was owned by Dr. Mary Wingfield Scott, a Historical Preservationist from Richmond, Virginia who spent her summers in Wytheville. Information about her work can be found on the internet. The property is presently owned by Douglas and Jenny Harless.

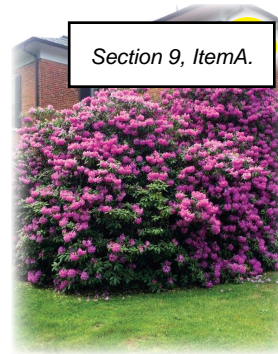
Visible from Withers Road.

Rhododendron, *Ericaceae*

515 Withers Rd • 36.9493948, -81.0757659

A beautiful display of Rhododendron, especially during its annual bloom in May. Small grove that flanks the residence was planted in the late 1940's by Dr. and Mrs. C.D. Moore, Sr. The property is presently owned by Dr. William Deal.

In front yard. Visible from street.



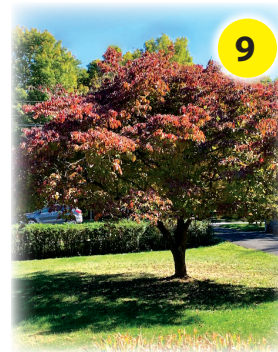
Section 9, Item A.

Flowering Dogwood, *Cornus florida*

580 E Withers Rd • 36.9499657, -81.0758165

Although one of 50 in the species, this mature Flowering Dogwood is fondly known as the American Dogwood. Its beautiful, white blossoms welcome spring and its early show of color always hints of fall. Popular in many landscapes, it is the state tree for Missouri and Virginia, as well as the state flower of Virginia and North Carolina.

Nuska Lodge. In front yard, just inside front gate, close to sidewalk.

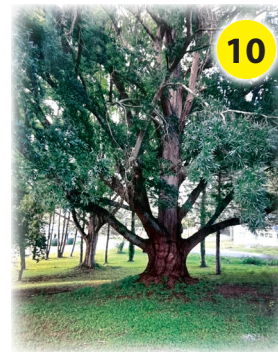


Willow Oak, *Quercus phellos*

580 E Withers Rd • 36°57'01"N 81°04'34"W

This grand 150-year-old+ Willow Oak predates Nuska Lodge (circa. 1909). It was part of the campus of the Wytheville Male Academy which operated until the early 1900's.

Nuska Lodge. In backyard, visible from South 9th Street.



Norway Spruce, *Picea abies*

645 E Withers Rd • 36.9504234, -81.0744426

This small grove of 10 Norway Spruce captures a private outdoor area that was planted and is used by the current owners of Ingleside for family gatherings. Dr. Robert Enoch Withers, who served multiple roles with state and federal government, was one of a number of owners of this historic property.

Inside the property fence, left corner of front yard.



Eastern Hemlock, *Tsuga canadensis*

460 E North St • 36.9535338, -81.0819400

A majestic evergreen native, this tree has survived an attack by the wooly adelgid that killed many hemlocks in recent years. It is a survivor and can give strength to those facing adversity. Eastern Hemlock has been used in traditional medicine. This huge tree provides food and shelter for wildlife living in our town.

In front yard beside sidewalk.





White Oak, *Quercus alba*

36°57'23"N 81°04'06"W

The Oak grows for 200 years, lives for 200 years and dies for 200 years, says an old English proverb. This stately specimen is still in the first century of her life. Her leaves show orange and brown shades in the fall and she provides acorns for wildlife to eat. Long live the Oak!

Walking Trail near Wytheville Community College maintenance building.

Sycamores, *Platanus occidentalis*

36° 57'28"N 81°04'15"W

The small grove of Sycamores planted on each side of the library will grow to be some of our largest native trees, reaching 100 feet. As they age, the exfoliating bark will peel off in large, patchy sections revealing a mix of colors from white to gray to olive green. The large lobed leaves will show brilliant yellow before they drop in the fall. Trees that grow in groves have intertwined root systems that support each other.

Wytheville Community College Library. Both sides of Smyth Hall.



Osage Orange, *Macleura pomifera*

36°57'28"N 81°03'58"W

Known as the Hedge Apple Tree because of her large green wrinkly fruit and the thorns that make a good barrier. The fruit is not edible to humans and rarely eaten by wildlife. Lewis, Clark and Sacagawea brought Osage Orange seeds back from their expedition that were planted on Thomas Jefferson's Plantation in Virginia. The wood of this tree is very flexible and was used by Native Americans to make bows to shoot arrows.

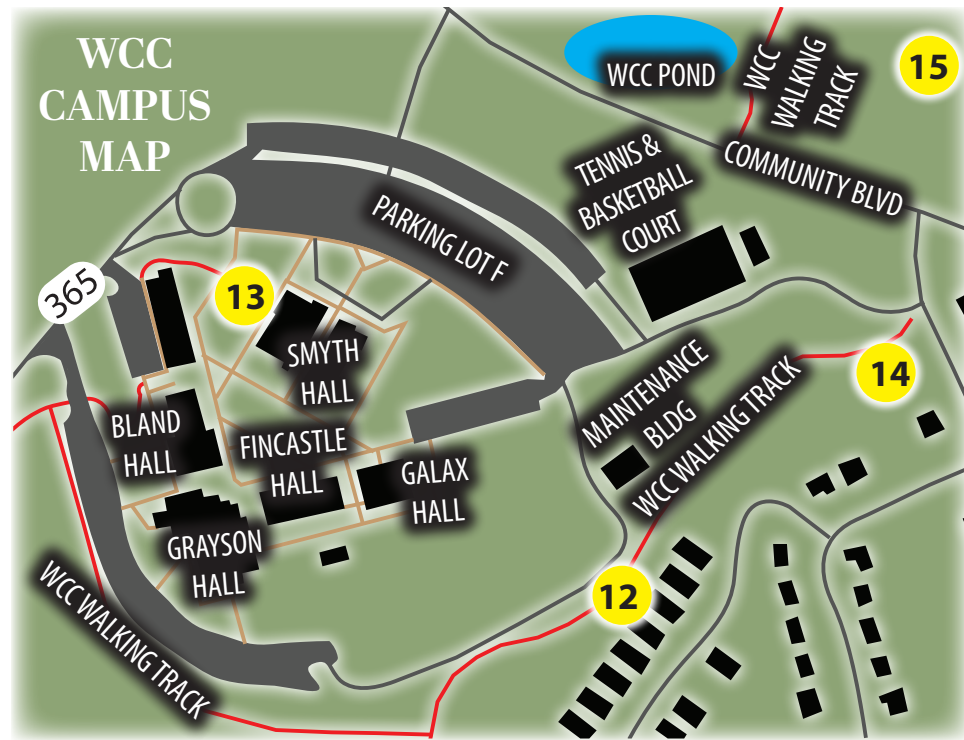
At the intersection of Cassell Road and Wytheville Community College tennis court road.

Black Walnut, *Juglans nigra*

36°57'33"N 81°03'55"W

A large, deciduous tree with compound leaves. Each leaf has up to 23 leaflets per stem that display a bright yellow in the fall. This tree provides us with delicious, nutritious nuts, the outer nut shell makes a brown dye and harvested wood is beautiful and strong. The tree's roots release a natural compound called juglone that keeps other plants from growing. Unfortunately, this tree's juglone has not been strong enough to fight off the strangling vines trying to grow up the tree. Human intervention has them trimmed back for now. Let us continue to protect our trees from vines that would harm them.

Wytheville Community College Walking Trail. From the parking lot at Wytheville Community College Pond walk down the mowed path along the creek to the end. The tree is on the opposite side of the creek. It is the largest tree in the visible area.



ABOUT TREE CITY USA

*Cooler temperatures. Cleaner air.
Higher property values. Healthier residents.*

The benefits trees bring to urban environments are endless — and by earning Tree City USA recognition, our community experiences them firsthand.

The Tree City USA program provides our community with a four-step framework outline to maintain and grow the Town of Wytheville's tree cover. It also gives our Town an avenue to celebrate it's work, showing residents, visitors, and the entire country that we are committed to the mission of environmental change.

WHY BECOME A TREE CITY USA COMMUNITY?

A thriving urban forest offers many advantages to communities. Here are just a few:

- *Trees help absorb the sounds of traffic in urban areas by 40%.*
- *Neighborhoods with trees are seven to nine degrees cooler than those without.*
- *Trees reduce energy costs up to 25% by shading buildings and protecting them from winter winds.*
- *Homes with trees have higher property values.*
- *Green space plays a major role in improving mental and physical health.*
- *Planting and maintaining trees absorbs carbon dioxide in the atmosphere, mitigating the effects of climate change.*

Publicly demonstrating our commitment to the environment is a great way to build pride among residents, as well as position our community as an attractive place to live.

SPECIAL MENTION (Not pictured on map)



Twin Red Oaks, *Quercus rubra*

1289 Rose Hill Rd • 36°58'58"N 81°07'58"W

These trees were planted in 1961 on the beautiful Kegley Farm. The two giant Oaks frame a view of the Seven Sisters and Queen's Knob mountain ranges. The Kegleys welcome tree visitors to their front yard less than 2 miles from the city limits of Wytheville.

Front yard beside sidewalk.



WYTHEVILLE TREE WALK

PRESENTED BY THE
**WYTHEVILLE TREE
ADVISORY COMMITTEE**

276-223-3333
150 EAST MONROE STREET • WYTHEVILLE, VA 24381

9-B

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	May 28, 2024
Subject:	Presentation - Montgomery Youth Art Project

SUMMARY:

Mr. Oscar Montgomery will be attending the meeting to discuss a Youth Art Project with the Town Council.

Recommended Action

No action required at this time.

12-A

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	May 28, 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 next regular scheduled meeting of the Wytheville Town Council will be held on Monday, June 10, 2024, at 5:00 p.m., here in the Council Chambers.

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13-A

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	May 28, 2024
Subject:	Schedule Public Hearing – Property Donation

SUMMARY:

A public hearing will need to be scheduled to consider the donation of a small parcel of property to the Virginia Department of Transportation. This parcel of property is located at the intersection of Main Street and 12th Street. Director of Public Utilities and Engineering Billy Anderson is attending the meeting to review this matter with the Town Council. The public hearing could be scheduled for the June 24, 2024, Town Council meeting.

Recommended Action

To schedule the public hearing for the June 24, 2024, Town Council meeting, it will require a motion and vote by the Town Council.

Town of Wytheville Staff Report:

Issued By: Billy J. Anderson, Director of Public Utilities and Engineering

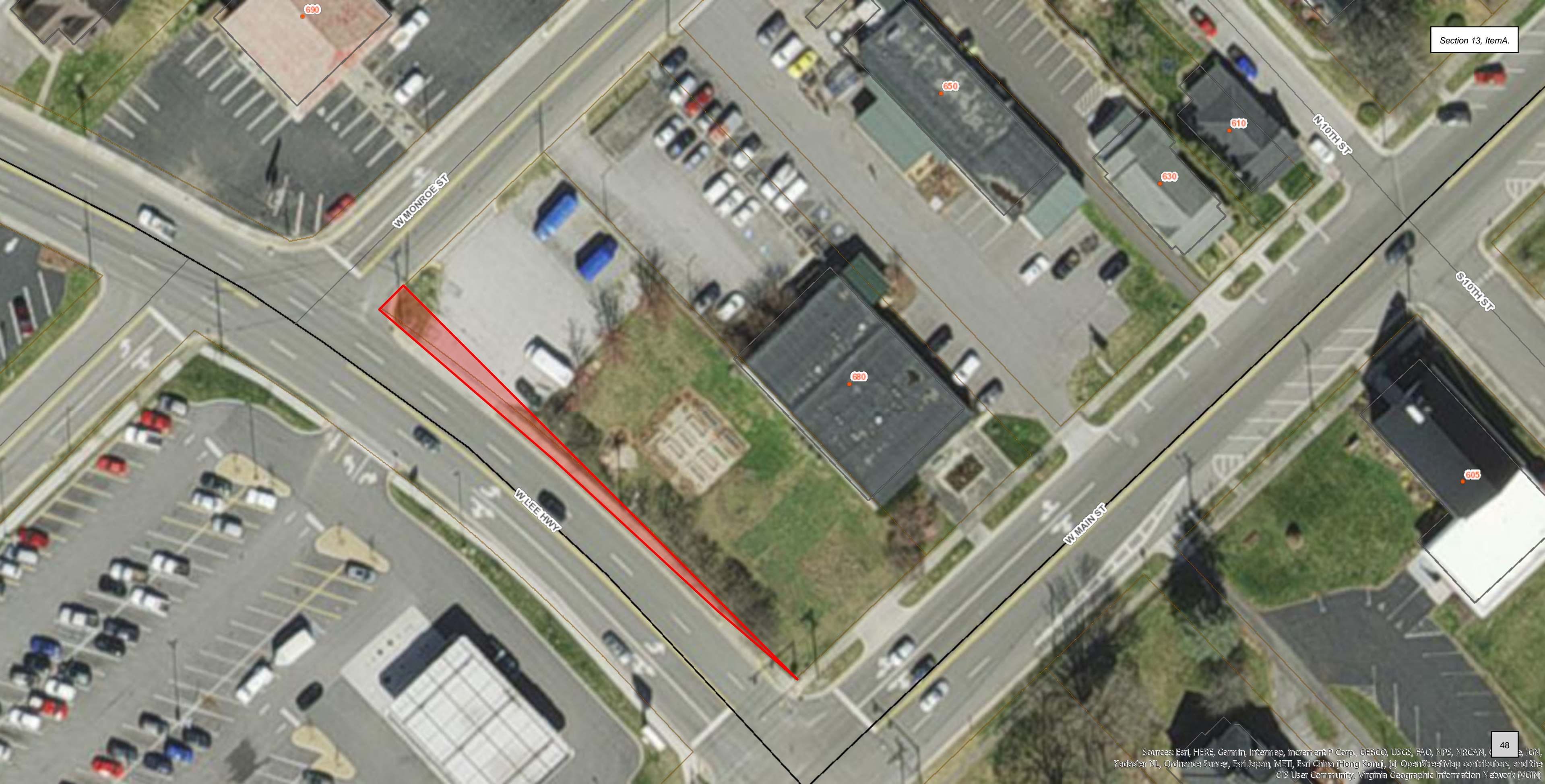
Date: May 22, 2024

In association with the relocation of portions of West Monroe Street at the intersection of West Lee Highway (VDOT Project UPC 119431), The Virginia Department of Transportation is requesting a donation of real property currently possessed and owned by the Town of Wytheville Virginia.

The real property is described below and is additionally shown on two maps of the Town of Wytheville.

- 1) Map of Wytheville created October 4th, 1839, commonly known as the “Piper Map of Wytheville.” To which a portion of 12th Street is designated and extends north from Main Street.
- 2) Map of Wytheville created April 23rd, 1877, commonly known as the “Boyd Map of Wytheville.” To which a portion of 12th Street is designated and extends north from Main Street.

The portion 12th being requested for donation by the Virginia Department of Transportation is the portion of 12th Street which extends north from the north right of way line of West Main Street to the South right of way of West Monroe Street formerly shown on the above to mentioned plats as 12th Street right of way, and lying directly adjacent to the east right of way line of West Lee Highway as shown on prior road improvement design sets. .



13-B

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	May 28, 2024
Subject:	Review of Ordinance No. 1434 – Erosion and Sediment Control and Removal of Impervious Land Area Stormwater Management

SUMMARY:

Please find enclosed Ordinance No. 1434 for the Council’s review. This proposed ordinance repeals and replaces the Town’s current Erosion and Sediment Control regulations with the language in the ordinance. The ordinance also removes the Impervious Land Area Stormwater Management since this is now handled by the State of Virginia. Assistant Town Manager Elaine HOLETON will review this proposed ordinance with the Town Council.

Recommended Action

This is for review only, and there is no action required at this time.

Staff Report: By Elaine HOLETON

Erosion and Sediment Control and Relationship to Town Ordinance

How Did Stormwater, Erosion, and Sediment Requirements Come About?

In 1972, the U.S. developed the Federal Clean Water Act with a goal of creating quality waters across the country within five years. Tasks connected to this act included the addition of sewage treatment plants, end of pipe controls for industrial activities, and stormwater management.

The act was amended twice in 1977 and 1987 when waters were still not fishable and swimmable. In the 1987 amendment, a detailed mandate for stormwater gave the Environmental Protection Agency (EPA) the ability to enforce their own regulations.

The first phase of the EPA's Stormwater Regulations was enacted in 1990, defining construction sites as industrial activity within a five-acre trigger. This made construction sites now subject to stormwater regulations. In 1999, the trigger dropped to one acre.

In response to the federal efforts, Virginia enacted the Virginia Erosion and Sediment Control Law in 1973 and the Virginia Stormwater Management Act in 1989.

What is the Virginia Erosion and Sediment Control Law?

The goal of the Virginia Erosion and Sediment Control Law is to prevent sediment from migrating off construction sites into waterways. This combats sediment from clouding water which impacts fisheries, stops subaquatic vegetation from growing, and limits deepwater access which are degraded by silt.

In fact, the Virginia Erosion Sediment Control handbook states that a construction site erodes at a rate that is 200x greater than the erosion on cropland and 2000x greater than the erosion of woodland. The purpose of E&S is to quickly reseed denuded areas and prevent erosion of soil from development sites.

Parameters of the act vary based on whether a site is within the Chesapeake Bay Preservation area. If the site is outside Chesapeake Bay, the land disturbing activity must be greater than 10,000 square feet to comply with the act. Within the Chesapeake Bay, that trigger reduces to 2,500 square feet.

The Town of Wytheville is outside of Chesapeake Bay, so our threshold for the need to obtain an E&S permit is 10,000 square feet.

To receive a permit on a construction site, the Virginia Erosion Sediment Control Program (VESCOP) authority grants the approval. A plan must be submitted that includes control strategies to prevent erosion and sediment. Such strategies include vegetative cover, avoiding steep slopes, perimeter barriers, rock pads at vehicle ingress or egress, and inlet protection for storm drains.

Responsible parties must document and self-inspect sites biweekly and within 48 hours of any rain event. Local E&S inspectors will also visit the site bi-weekly or after a rain event.

In the Town of Wytheville, the Department of Public Utilities and Engineering manages the Erosion and Sediment Control Program for the Town. The town is considered the VESCOP authority for E & S permitting for activities occurring in the town limit, which means we conduct plan review, permitting and inspections.

What is the Virginia Stormwater Management Act?

The Virginia Stormwater Management Act was enacted to reduce flooding and prevent high levels of elements and chemicals from migrating off construction sites into waterways. If not managed, these pollutants can enter the food chain through waterways and degrade water quality.

Like the Virginia Erosion and Sediment Control Law, the triggers of the act vary by location. In the Bay Preservation Area, land-disturbing activity must be greater than 2,500 square feet to trigger the need for a stormwater permit. Everywhere else, land-disturbing activity must be greater than one acre. Here in Wytheville the limit is one acre, or “common plans of development” may also trigger the need for a SWM permit.

There are two permits available to responsible parties: the Construction General Permit or an Individual Permit. To receive coverage, a Stormwater Pollution Prevention Plan must be developed. This plan should include an Erosion and Sediment Control Plan, Stormwater Management Plan, and Pollution Prevention Plan.

Each locality has the option to either manage their own stormwater management program or allow the state DEQ office to manage the program for the locality.

The Town of Wytheville has historically opted to let DEQ manage the SWM program for us.

Future Action Needed by Town Council

The Town Code, Chapter 10 Article IV provides the Town’s Erosion and Sediment Control regulations. The town first adopted an Erosion and Sediment Control ordinance on January 26, 1976. The ordinance has resided in the Town Code since that time and amended as needed over the years in relationship to the changes to E&S and SWM on the statewide level. The last major change to SWM and E&S on a statewide level was in 2011 and I believe our town code was updated at that time.

In 2016 the Virginia General Assembly directed the Virginia Department of Environmental Quality, under the Virginia Erosion and Sediment Control Act (VESMA) to consolidate the E&S Control and SWM regulations into one guidance document. This decision was based on the need to reduce confusion, redundancy, and conflicts between the two regulations.

In 2023, the consolidated E&S and SWM regulations were approved by the State Water Control Board and the new statewide law will combining the two will become effective on July 1, 2024.

As a result of these changes on the state level, Virginia DEQ sent each locality the new “model ordinance” that each locality will need to adopt prior to July 1, to reflect the new statewide standards.

The new version that you see in your packet reflects the new statewide model ordinance for those localities that intend to manage E&S on a local level, while allowing DEQ the ability to regulate SWM on behalf of the town. This arrangement mirrors what has historically occurred in terms of E&S and SWM regulation in town.

Our Town code will now need to be repealed, so that we can adopt the new model of ordinance.

Town staff is suggesting that instead of repealing and replacing, that we repeal the town code section on E&S and replace with a new section that illustrates that the new E&S ordinance will now be a stand-alone ordinance that does not live within the town code.

This will allow us to organize our development ordinances into one location as stand-alone ordinances. It is our intent to locate the Erosion and Sediment Control document (ordinance) in the same location as our newly proposed Unified Development Ordinance. The new UDO will be a stand-alone ordinance and will not reside inside of the town code.

The end goal for this effort is to make development easier for those who need to reference and use land development guidance by putting all of the regulations that regulate land development in a central location so that this information can be easily referenced and accessible to the public.

My recommendation is that we include a place holder in the Chapter 10 location of the Town Code, which indicates E&S and other land development ordinances are available in the Department of Public Utilities and Engineering and the Department of Planning & Zoning.

Staff Recommendation

At this meeting tonight no action is needed.

At the next meeting, if the council so desires, staff recommends that we repeal Chapter 10, Article V. of the Town Code, in accordance with the direction of the state to update the E&S Ordinance.

Staff recommends that we add language inside of Chapter 10 of the Town Code to merely indicate that we have a stand-alone Erosion and Sediment Control Ordinance, that we have a stand-alone Zoning Ordinance, that we have a stand alone Subdivision Ordinance and to further indicate that the state manages the Virginia Stormwater Management regulations on behalf of the Town of Wytheville.

In the town code we can mention that these stand-alone ordinances reside in the Department of Planning and the Department of Engineering and Public Utilities.

If the town council agrees with this approach, we will begin work on this draft language for Chapter 10.

We will also prepare the new E&S Ordinance to be presented as a new stand-alone ordinance for consideration at the next meeting.

Attachments

Memorandum to Local E&S Program Administrators from Virginia DEQ

New Model E&S Ordinance prepared in ordinance format by Mrs. Corvin

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 28th day of May, 2024, at 5:00 p.m.

Present:

Absent:

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

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

ARTICLE VI. EROSION AND SEDIMENT CONTROL PROGRAM

Sec. 10-76. 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.

Sec. 10-77. 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.

Sec. 10.78 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 Town Engineering Department 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 Town Engineering Department.

Sec. 10-79. 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).
 2. Land-disturbing activity that disturbs 2,500 square feet or more, is less than one acre, and in an area of a locality designated as a Chesapeake Bay Preservation Area is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.]

Sec. 10-80. 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.

Sec. 10-81. 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.

Sec. 10-82. 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.

Sec. 10-83. 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 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) The following additional text is optional at the discretion of the VESCP authority: 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.

Sec. 10-84. 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 Engineering Department 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 Engineering Department 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 Engineering Department 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 Engineering Department 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 Engineering Department 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 Engineering Department from taking any other action authorized by this ordinance or other applicable laws.

Sec. 10-85. 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 Engineering Department, 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.

Sec. 10.86. 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.

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Town of Wytheville

June 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
All meetings are held in the Municipal Building unless otherwise noted.						1
2	3	4	5	6	7	8
9	10 5:00 PM — Town Council Meeting	11	12	13 6:00 PM-Planning Commission	14	15
16	17 5:30 PM - DTW (DTW Office)	18	19 12:00 PM-Housing Authority (HA Office) HOLIDAY—TOWN OFFICES CLOSED	20 10:00 AM — NRRWA (NRRWA Plant)	21	22
23	24 5:00 PM — Town Council Meeting	25	26	27 3:00 PM — JIDA	28	29
30						