



# MINUTES

## WYTHEVILLE TOWN COUNCIL MEETING

TUESDAY, OCTOBER 11, 2022 AT 6:00 PM  
MUNICIPAL BUILDING - 150 EAST MONROE STREET  
WYTHEVILLE, VA 24382

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### 1. RE: ATTENDANCE

#### **MEMBERS PRESENT:**

Mayor Beth Taylor  
Vice-Mayor Cathy Pattison  
Councilman Mark Bloomfield  
Councilman Gary Gillman

#### **ABSENT:**

Councilwoman Holly Atkins

#### **OTHERS:**

Town Manager T. Brian Freeman  
Assistant Town Manager Elaine R. HOLETON  
Town Clerk Sharon G. Corvin  
Town Attorney Michelle Workman Clayton  
Planning Director John Woods  
Police Chief Joel Hash  
Police Sergeant John Lackey  
Louie Haymaker  
Denise Clay

### 2. RE: CALL TO ORDER

Mayor Taylor called the meeting to order.

Mayor Taylor stated that on behalf of the Wytheville Town Council, she would like to send their condolences to the family of former Town Manager C. Wayne Sutherland, Jr., who passed away suddenly during the previous week. She noted that there would now be a moment of silence in remembrance of Mr. Sutherland.

### 3. RE: ESTABLISHMENT OF QUORUM

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

### 4. RE: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice-Mayor Pattison.

### 5. RE: APPROVAL OF AGENDA

Mayor Taylor advised that the next item on the agenda is the Approval of Agenda. She inquired if there was a motion to approve the agenda as presented.

Motion made by Councilman Bloomfield, Seconded by Councilman Gillman.  
Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilman Bloomfield, Councilman Gillman.

**6. RE: CONSENT AGENDA**

- A. Mayor Taylor presented the consent agenda consisting of the minutes of the regular meeting of September 26, 2022. She inquired if there was a motion to approve the consent agenda as presented.

Motion made by Councilman Gillman, Seconded by Vice-Mayor Pattison.  
Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilman Bloomfield, Councilman Gillman.

**7. RE: PUBLIC HEARING - PEEPLES SPECIAL EXCEPTION PERMIT REQUEST**

- A. Mayor Taylor advised that the meeting constituted a public hearing (due notice having been given) to consider the request of Kenneth G. and Jennifer D. Peeples for a Special Exception Permit to use property located on the north side of North Fourth Street between Tremough Drive and Fairfield Lane, as pasture for four (4) horses, in an R-3 Residential Zoning District. Mayor Taylor inquired if there was anyone who wished to address the Council during this public hearing. She stated that there were two comments that were received regarding this request. Mayor Taylor advised that one comment was submitted by Ms. Sharon Hackler, which was entered into the record as follows:

*Since they are letting the horses in the field, should emphasize to them during the public hearing that this is the only parcel that they are permitted to have animals on.*

Mayor Taylor advised that the second comment was submitted by Ms. Denise Clay, which was entered into the record as follows:

*Thank you for the opportunity to submit my comment regarding the request of Kenneth and Jennifer Peeples for a Special Exception Permit to use property located on the north side of North Fourth Street between Tremough Drive and Fairfield Lane Tax Parcel 24a-1-49 as pasture for four horses.*

*First of all, our neighbors should have reasonable use of their properties which is of great importance to each of us. This should be the goal of our community.*

*I have been told by neighbors that have lived here long before me that at one time nearly everyone on the street had horses. For as long as I have lived on Tremough Drive I have enjoyed my bovine and equine neighbors.*

*The addition of cattle, sheep and horses to our neighborhood is what makes Wytheville unique. They keep us tied to our history as well as the land.*

*Having horses, cattle, or sheep as neighbors allows children to learn many important lessons. Responsibility, compassion, technical jobs that can serve them for life and keep them in our community, and an appreciation for God's creation just to name a few.*

*Having livestock in our neighborhood also builds relationships within the community since they require many services and products.*

*On a personal note, the horses mentioned have never caused a nuisance. To the contrary, seeing them early in the morning as steam rises from their bodies provides a peaceful way to start my day and makes me appreciate our town. As the sun sets, seeing them graze peacefully reminds me no matter the current "crises", calmness still abounds.*

*Sincerely,*

*Denise Clay*

Mayor Taylor inquired if there were any other questions or comments. There being none, Mayor Taylor declared the public hearing closed and proceeded with the agenda.

**8. RE: CITIZENS PERIOD**

Mayor Taylor advised that the next agenda item is Citizens' Period. She noted that there are no citizens attending the meeting who wished to address the Council during Citizens' Period, therefore, she would proceed with the agenda.

**9. RE: REPORTS**

**A. BUDGET AND FINANCE COMMITTEE**

**TREASURER'S ASSOCIATION SPONSORSHIP:** In June of 2023, the Town will be host to the Treasurer's Association of Virginia Conference. This event will bring between 150-200 City, County and Town Treasurers from across the state to Wytheville and will generate more than \$14,000 in rental revenue at the Wytheville Meeting Center. In the 92-plus year history of the Association, a Town Treasurer has never been the president, and next year, Town Treasurer Michael Stephens will be the first. Furthermore, a Town has never hosted the annual conference as these have always been hosted by City or County Treasurers. In recognition of this occasion, it is the recommendation of the Budget and Finance Committee that the Town of Wytheville provide a one-time sponsorship to the Treasurer's Association of Virginia in the amount of \$10,000. Vice-Mayor Pattison inquired if the vote regarding the one-time sponsorship could be tabled for further discussion at a future meeting, due to not all Council members being present at the meeting and questions needing to be answered. Mayor Taylor inquired if there was a motion to table this matter for further discussion at a future meeting.

Motion made by Vice-Mayor Pattison, Seconded by Councilman Gillman.  
Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilman Bloomfield, Councilman Gillman.

**B. TRANSFER OF FUNDS TO THE WASTEWATER FUND:** One of the responsibilities of the Town is to ensure that each of the major funds has sufficient cash reserve. Recently, the cash reserve in the Wastewater Fund was depleted by the emergency replacement of the Chapman and Lithia Road force main piping. To replenish the cash reserve, it will be necessary to transfer a loan from the General Fund to the Wastewater Fund. At this time, it is the recommendation of the Budget and Finance Committee that a \$500,000 loan be transferred from the General Fund to the Wastewater Fund. Mayor Taylor inquired why a loan would be needed to transfer these funds. Town Manager Freeman advised that it is necessary for the Wastewater Fund to pay the General Fund back, due to operating under the Rules of the Auditors of Public Accounts and their requirements. Mayor Taylor inquired if there was a motion to approve the transfer of a \$500,00 loan from the General Fund to the Wastewater Fund.

Motion made by Vice-Mayor Pattison, Seconded by Councilman Gillman.  
Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilman Bloomfield, Councilman Gillman.

## 10. **RE: NEW BUSINESS**

Under New Business, Town Manager Freeman reported the following:

1. The Wytheville Recreation Commission will meet on Wednesday, October 12, 2022, at 5:30 p.m., at the Wytheville Community Center.
2. The Wytheville Planning Commission meeting scheduled for Thursday, October 13, 2022, has been canceled.
3. Downtown Wytheville, Inc. (DTW) will meet on Monday, October 17, 2022, at 5:30 p.m., at the DTW office.
4. The Wytheville Redevelopment and Housing Authority will meet on Wednesday, October 19, 2022, at 12:00 p.m., at the Housing Authority office.
5. The New River Regional Water Authority will meet on Thursday, October 20, 2022, at 10:00 a.m., in Austinville.
6. The next Town Council Work Session will be held on Monday, October 24, 2022, at 4:00 p.m., in the Council Conference Room followed by the Council meeting at 6:00 p.m., in the Council Chambers.

## 11. **RE: ORDINANCES/RESOLUTIONS**

### **A. ORDINANCE NO. 1415 - TECHNOLOGY ZONE RENEWAL**

Mayor Taylor presented Ordinance No. 1415, an ordinance amending and reenacting Chapter 2, Administration, Article VIII. Technology Zone, Section 2-242. Tax Incentives for Technology Businesses, of the Code of the Town of Wytheville, Virginia, on first reading. She advised that the Town's current Technology Zone expires December 31, 2022, and this zone can be renewed for a period of up to ten years. Mayor Taylor stated that this ordinance will continue the Technology Zone until

December 31, 2023, if adopted. She inquired if there was a motion to adopt Ordinance No. 1415 on first and final reading.

Motion made by Councilman Bloomfield, Seconded by Councilman Gillman.  
Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilman Bloomfield, Councilman Gillman.

Ordinance No. 1415 was adopted on first and final reading.

**B. ORDINANCE NO. 1416 - TRESPASSING ON TOWN PROPERTY**

Mayor Taylor presented Ordinance No. 1416, an ordinance amending and reenacting Chapter 9, Offenses - Miscellaneous, Article I. In General, Division 1. Generally, Section 9-26. Trespassing Upon, Damaging Property - Town Property, of the Code of the Town of Wytheville, Virginia, on first reading. Councilman Bloomfield advised that this ordinance still needs additional review and inquired if this matter could be tabled for further review at a future meeting. Mayor Taylor inquired if there was a motion to table this matter for further review at a future meeting.

Motion made by Councilman Bloomfield, Seconded by Vice-Mayor Pattison.  
Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilman Bloomfield, Councilman Gillman.

Ordinance No. 1416 was tabled to a future meeting.

**12. RE: OTHER BUSINESS**

**A. PEEPLS SPECIAL EXCEPTION PERMIT REQUEST**

Mayor Taylor advised that the next agenda item is to consider the issuance of a Special Exception Permit to Kenneth G. and Jennifer D. Peeples to use property located on the north side of North Fourth Street between Tremough Drive and Fairfield Lane, Tax Parcel 24A-1-49, as pasture for four (4) horses, in an R-3 Residential Zoning District. A brief discussion was held regarding amending the Special Exception Permit to omit Item B. The Special Exception Permit shall be issued to only Mr. Kenneth G. Peeples and Ms. Jennifer D. Peeples, and shall be nontransferable; and, Item D. The Special Exception Permit shall be reviewed annually. Town Manager Freeman stated that the law has changed and Special Exception Permits should be issued with the land and not to the owner, and that Special Exception Permits are always reviewed by staff so there was no reason to have an annual review. Mayor Taylor inquired if there was a motion to approve the Special Exception Permit request for Mr. Kenneth G. and Jennifer D. Peeples as amended to remove Item B. - The Special Exception Permit shall be issued to only Mr. Kenneth G. Peeples and Ms. Jennifer D. Peeples, and shall be nontransferable; and, Item D. - The Special Exception Permit shall be reviewed annually, and to approve the amended Special Exception Permit with the following stipulations: a. The number of horses on this property shall be limited to four (4) at any time. b. The horses shall never have access to the creek on this property. Grazing shall only be permitted on the land as indicated on the attached plat. c. Failure to comply with these conditions shall be grounds for rescinding this Special Exception Permit.

Motion made by Councilman Gillman, Seconded by Councilman Bloomfield.  
Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilman Bloomfield, Councilman Gillman.

**B. PERSONAL PROPERTY TAX REIMBURSEMENT RATE**

Mayor Taylor advised that the next item on the agenda is the establishment of the Personal Property Tax Reimbursement Rate. She noted that with the current Personal Property Tax Rate at \$0.38 per \$100 valuation, the Personal Property Tax Reimbursement Rate should be set to 29.28 percent. Mayor Taylor stated that this rate is for the vehicle tax reimbursement for citizens that was approved by the Virginia Governor in the 1990s. She inquired if there was a motion to establish the Personal Property Tax Reimbursement Rate at 29.28 percent.

Motion made by Councilman Bloomfield, Seconded by Councilman Gillman.  
Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilman Bloomfield, Councilman Gillman.

**13. RE: CLOSED MEETING**

Mayor Taylor stated that it will now be necessary for the Council to go into a closed meeting pursuant to State Code section 2.2-3711 (A)(7) to discuss potential litigation regarding an incident. Mayor Taylor inquired if there was a motion to go into a closed meeting. (6:23 p.m.)

Motion made by Councilman Bloomfield, Seconded by Councilman Gillman.  
Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilman Bloomfield, Councilman Gillman.

Mayor Taylor noted that it will now be necessary to go back into open session and to certify the closed meeting. She inquired if there was a motion to certify that only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies and that only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Wytheville Town Council. (6:55 p.m.)

Motion made by Councilman Gillman, Seconded by Councilman Bloomfield.  
Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilman Bloomfield, Councilman Gillman.

**14. RE: ADJOURNMENT**

There being no further business to be discussed, a motion was duly made, seconded and carried to adjourn the meeting (6:56 p.m.).

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Beth A. Taylor, Mayor

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Sharon G. Corvin, CMC, Town Clerk