



AGENDA

WYTHEVILLE TOWN COUNCIL MEETING

MONDAY, NOVEMBER 27, 2023 AT 5:00 PM
MUNICIPAL BUILDING - 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. **INVOCATION** — VICE-MAYOR CATHY D. PATTISON
2. **CALL TO ORDER** — MAYOR BETH A. TAYLOR
3. **ESTABLISHMENT OF QUORUM** — MAYOR BETH A. TAYLOR
4. **PLEDGE OF ALLEGIANCE** - COUNCILWOMAN HOLLY E. ATKINS
5. **APPROVAL OF AGENDA** (requires motion and roll call vote)
6. **6:00 P.M. RECESS** (if necessary)
7. **CONSENT AGENDA**
 - A.** Minutes of the regular Town Council meeting of November 13, 2023 (requires motion and vote)
8. **CITIZENS' PERIOD**
9. **PUBLIC HEARINGS, REQUESTS, RESOLUTIONS, COUNCIL DECISIONS**
 - A.** Review Ordinance No. 1427, an ordinance repealing and replacing Chapter 6, Fire Prevention and Protection; and, amending and reenacting Chapter 9, Offenses - Miscellaneous, Article III. Air Pollution Control by renaming the article and by removing the following sections: Section 9-76. Definitions; Section 9-77. Penalty; Section 9-78. Authority and Declaration of Policy; Section 9-79. Relationship to State Rules; Section 9-80. Powers and Responsibilities of Air Pollution Control Officer; Section 9-81. Open Burning; Section 9-82. Smoke or Other Visible Emissions; and, Section 9-83. Emergency Procedure; and, amending and reenacting Chapter 11. Police, Article III. Alarm Systems, Section 11-44. Penalties for False Alarms, of the Code of the Town of Wytheville, Virginia
 1. Staff Report/Presentation by Fire Chief Chris Slemp
 2. No action needed at this time
 - B.** Consider an appointment to the Joint Industrial Development Authority of Wythe County (JIDA) to fill the expired term of Mr. David Kause (term expired November 10, 2023)
 1. Staff Report/Presentation by Town Clerk Sherry Corvin

2. Consideration by the Town Council to make an appointment to the JIDA (**requires motion and vote**)

C. Consider appointments to the Wytheville Building Code Appeals Board to fill the expired term of Mr. William Turner, III (term expired July 26, 2023), and the unexpired term of Mr. David Schmidt (term expires July 26, 2026)

1. Staff Report/Presentation by Town Clerk Sherry Corvin

2. Consideration by the Town Council to make appointments to the Wytheville Building Code Appeals Board (**requires motion and vote**)

10. NEW BUSINESS

11. REPORTS

A. Staff Report(s) - TOWN MANAGER BRIAN FREEMAN

B. Upcoming Meetings - TOWN CLERK SHERRY CORVIN

12. OTHER BUSINESS

A. Council Member Time

B. Miscellaneous

(1) Council Committee Reports; (2) December Town Council Meeting Calendar; (3) Other

13. CLOSED MEETING

A. Closed meeting pursuant to § 2.2-3711 (A.) (3.) Discussion regarding the acquisition/disposition of real property to be used for a public purpose (**requires motion and vote**)

B. Certification of Closed Meeting (**requires motion and roll call vote**)

14. ADJOURNMENT

7-A



MINUTES

WYTHEVILLE TOWN COUNCIL MEETING

MONDAY, NOVEMBER 13, 2023 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, Town Treasurer Michael Stephens, Computer Operations Manager Ron Jude, Fire Chief Chris Slemp, Police Sergeant Tommy Lester, Wytheville Farmer's Market Manager Thalia Rodriguez, David Johnston, James Cohen, Hank Ball, Maelene Watson, Don Lawson, Megen Woods

2. **RE: CALL TO ORDER**

Mayor Taylor called the meeting to order.

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 Councilman Gillman.

5. **RE: APPROVAL OF AGENDA**

Mayor Taylor advised that the next agenda item is the Approval of Agenda. A motion was made by Vice-Mayor Pattison and seconded by Councilman Gillman to amend the agenda to include the following items to the agenda: 1.) Add an additional item in Open Session to amend the holiday hours for Friday, December 22, 2023, from four holiday hours to eight holiday hours; and, 2.) Add an additional item in a Closed Meeting pursuant to Virginia Code Section 2.2-3711 (A.) (3.) Discussion regarding the acquisition/disposition of property used for a public purpose. Mayor Taylor inquired if there was any discussion on the motion. Councilwoman Atkins stated that she was going to request during Council Member Time if the Council would consider amending the holiday hours for Wednesday,

November 22, 2023, from a half day to a full day. Mayor Taylor inquired if the original motion would need to be amended to include Councilwoman Atkins request to include an agenda item. Interim Town Attorney Cassell inquired of Vice-Mayor Pattison if she was willing to amend her motion to include Councilwoman Atkins request. He inquired if Councilman Gillman was also willing to confirm the second. Vice-Mayor Pattison and Councilman Gillman both agreed to the amendment. Discussion ensued regarding the original motion. Mayor Taylor reiterated that the amended motion to amend the agenda is to 1.) Add an additional item in Open Session to amend the holiday hours for Friday, December 22, 2023, from four holiday hours to eight holiday hours; 2.) Add an additional item in a Closed Meeting pursuant to Virginia Code Section 2.2-3711 (A.) (3.) Discussion regarding the acquisition/disposition of property used for a public purpose; and, 3.) Add an additional item in Open Session to amend the holiday hours for Wednesday, November 22, 2023, from four holiday hours to eight holiday hours. Voting Yea: Councilman Gillman, Vice-Mayor Pattison, Mayor Taylor, Councilwoman Atkins, Councilwoman Johnson.

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

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

7. RE: CONSENT AGENDA

Mayor Taylor presented the consent agenda consisting of the minutes of the Special Town Council meeting of October 11, 2023. She inquired if there was a motion to approve the minutes of the Special Town Council meeting of October 11, 2023, as presented.

Motion made by Councilman Gillman, Seconded by Vice-Mayor Pattison. Mayor Taylor 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.

8. 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 would like to address the Council during Citizens' Period. Mayor Taylor commented that she would proceed with the order that they are written on the sign-in sheet, and the first name on the list is Mr. Hank Ball.

Mr. Hank Ball was recognized and stated that he resides at 131 Hedgefield Lane, Apartment H4 in Wytheville. Mr. Ball commented that he was addressing the Council regarding the activity taking place at the Hedgefield Apartment Complex every night. He explained that after the staff leaves the complex after their shifts during the week, on the weekends and during the holidays, lots of bad activity is taking place. Mr. Ball discussed the numerous problems with vagrants, the young people living there who have their friends living with them, theft, drug activity, etc., and the fact that the office staff do not seem to be able to put a stop to it. Mr. Ball continued to discuss his concerns and frustrations at the Hedgefield Apartment Complex with the Council. He stated if this governing body is not who he needs to speak to regarding this issue, to please direct him to where he needs to go to in order to resolve his issues. Town Manager Freeman advised Mr. Ball to provide

him with his contact information, and that he would contact Mr. Ball directly with the names and numbers of who may be able to help him. Councilwoman Atkins stated that Ms. Regina Pike also works in the office at the Housing Authority and could help him. Mr. Ball remarked that he has never seen her. Councilwoman Johnson commented to Mr. Ball that she is sorry that the residents are having so many safety issues. Discussion ensued regarding the presence of the police helping with the vagrants and others who are not residents of the apartment complex. Mr. Ball thanked the Council for allowing him to speak. Mayor Taylor thanked Mr. Ball for bringing the issue to the Council's attention.

Ms. Maelene Watson was recognized and stated that she resides at 105 Antler Drive in Wytheville. She noted that she is the Commander of the American Legion Post #9 of Wytheville, Commander of District Seven for the Western Region of Virginia, Chair of the Wall of Honor Committee and an Army veteran. Ms. Watson stated that she would like to address the Council regarding the Veterans Day Ceremony from a veteran's perspective. She noted that she had put her thoughts on paper so that she would not forget anything, and she would like to read what she has written to the Council. Ms. Watson expressed her concerns regarding the Veterans Day Ceremony and Parade not being rescheduled for another day, the veterans of Wytheville not feeling as appreciated as the Run for the Wall veterans, etc. She commented that the veterans of Wytheville are willing to help with anything the Town needs, and she thanked the Council for allowing her to speak. Mayor Taylor thanked Ms. Watson for sharing her thoughts with the Council. She commented that as a wife of a veteran, she understands what being a veteran is all about, and the rest of the Council does, as well. Mayor Taylor advised that the Town's Wall of Honor Committee did have a lovely Veterans Day event at Spiller Elementary School on Friday, November 10, and there were a lot of veterans in attendance, which was very nice. Councilwoman Johnson discussed the banners she had requested awhile ago for the downtown area that families of veterans could purchase in their memory or honor. Town Manager Freeman explained that he and Downtown Wytheville, Incorporated Executive Director Todd Wolford had some discussions regarding her request, and, if the Council agrees and Councilwoman Johnson agrees, he and Executive Director Wolford would like to explore the project more, review the logistics of it and see if the project is something that the three of them can work on over the next few months. Councilwoman Johnson agreed. She stated that she would like to propose if there is a way to offer the banners to the veterans' families as a discount through the Town and budget for it next year. Discussion continued regarding the banners.

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

9. RE: PRESENTATIONS TO TOWN COUNCIL

A. RE: PRESENTATION ON FARMER'S MARKET

Mayor Taylor advised that the next agenda item is a presentation by Ms. Thalia Rodriguez regarding the Wytheville Farmer's Market. Ms. Thalia Rodriguez stated that she resides at 210 West Spring Street in Wytheville. She explained that she was attending the meeting to present an idea on behalf of the Wytheville Farmer's Market for a potential renovation of the kitchen space into a commercial teaching kitchen and a few other updates. Ms. Rodriguez noted that the idea of converting the kitchen into a commercial kitchen has been in the works for several years, but, due to the

changes in management over the years, it has not been able to be implemented. She commented that she thought that the Town Council, at one time, approved the project, but with the change in Council, the Farmer's Market Board realized that it would need to request approval once again. Ms. Rodriguez presented a PowerPoint presentation of the Farmer's Market Board of Directors' proposed ideas for the commercial teaching kitchen, if approved by the Town Council. She stated that the Farmer's Market Board also requested that she inquire about the renewal of their lease of the building that is set to expire at the end of 2023. Ms. Rodriguez remarked that the Farmer's Market Board has requested if the Town Council would be able to schedule a meeting with them to discuss a few changes to the Wytheville Farmer's Market Lease Agreement. She noted that she was not sure if this would be a meeting between the Town Manager and the Board or the Town Council and the Board. Ms. Rodriguez discussed why the Farmer's Market and its programs are important to the community. She stated that she wanted to discuss the topic of the installation of air conditioning with the Council if they approve a commercial kitchen. Ms. Rodriguez remarked that the Wytheville Fire and Rescue Department inspected the building, and they recommended installing a fire alarm system and a Knox Box. She inquired if the Council would allow the Farmer's Market Board to paint the building on the interior or work with the graphic design departments at Radford University or Virginia Tech to come in and paint a mural. Ms. Rodriguez inquired if the Council would approve the Farmer's Market Board installing shades and/or curtains in the picnic area to keep the sun from ruining the produce of the vendors who set up during market hours.

Town Manager Freeman stated that he and Ms. Rodriguez would pick some dates to meet and discuss the items that she has requested. He noted that, last week, Chief Slemp sent him the Knox Box request, and this has been ordered and will be installed. Town Manager Freeman stated that he agrees with Ms. Rodriguez regarding the mural, and he feels that it would be a great idea. He noted that he hopes the Council will support their request for the mural. Town Manager Freeman advised that regarding the request for shades in the picnic area, he thinks this is a great idea, too. He remarked that he would like to see how the Farmer's Market plans to install the shades, etc. Mayor Taylor inquired if the mural and shades would be two items that the Council could make a decision on at this meeting so that Ms. Rodriguez could report back to her Board. Councilwoman Atkins inquired if the Council would pay for the shades or if they would be grant funded. Ms. Rodriguez stated that the Farmer's Market Board is willing to pay for the shades since it is something that they are requesting that is not a necessity. Town Manager Freeman commented that he would like to clarify that the area where the shades would be installed would be in the outdoor pavilion. Ms. Rodriguez stated that is correct. Discussion ensued regarding the shades. Mayor Taylor inquired if Town Manager Freeman would schedule a meeting with representatives of the Farmer's Market Board to discuss the Lease Agreement and the other items discussed and then share the meeting details with the Council to see how the Council would like to proceed. It was the consensus of the Council to approve the Farmer's Market Board to have a mural painted inside the Farmer's Market building and for the Board to purchase shades to be installed in the outdoor pavilion. Mayor Taylor thanked Ms. Rodriguez for her presentation, and she proceeded with the agenda.

B. RE: PRESENTATION ON PROPOSED AMENDMENTS TO THE FIRE PREVENTION AND PROTECTION SECTION OF THE TOWN CODE

Mayor Taylor advised that the next agenda item is a presentation by Fire Chief Chris Slemph on the proposed amendments to the Fire Prevention and Protection section of the Town Code. Chief Slemph explained that the ordinance before the Council is only a draft and does not require any action from the Council at this meeting. He stated that he would be giving the Council some background and an overview of where and why the ordinance needs to go in the direction that it does. He noted that the amendments are needed due to the significant changes in the past five years to the Fire and Rescue Department, as well as outdated Town Code sections, Town Code sections that conflict with State Code sections, etc. Chief Slemph reviewed the proposed amendments to the Fire Prevention and Protection section of the Town Code with the Council. He explained that there are new chapters being proposed in the draft ordinance, as well. Chief Slemph stated that he would request that the Council review the proposed amendments, and if they have any questions, he would be glad to talk to the Council members individually. He remarked that he would spend as much time with each of them as they would like to answer their questions. Mayor Taylor inquired if any of the Council members had any questions for Chief Slemph, at this time.

Councilwoman Johnson stated that she would like to thank Chief Slemph for taking his time and going through the Town Code to get the Code up to date.

Mayor Taylor inquired of Chief Slemph as to who serves as the Town's Fire Marshal. Chief Slemph advised that, technically, right now, he is the Fire Marshal. He explained that the Town also has a couple of Assistant Fire Marshals. He commented that since the Fire Marshal(s) enforce the Town Codes, an Oath of Office needs to be taken when appointed. Chief Slemph stated that he has replaced this back in the ordinance. Mayor Taylor inquired if the Fire Department is going to continue to be able to serve warrants. Chief Slemph advised that, at this time, if the Fire Department needed to serve a warrant, they would not be able to do so, and that a Police Officer would have to do so. He explained the powers of a Fire Marshal in the State of Virginia if they have received certain training. Discussion ensued regarding the Code section regarding the serving of warrants, carrying firearms, etc.

Councilman Gillman inquired of Interim Town Attorney Cassell if the Council could make a motion to give Chief Slemph the authority to enforce a burn ban. Interim Town Attorney Cassell stated that he was not aware of a State Code provision that authorizes enforcement without a corresponding ordinance. Chief Slemph remarked that he would do some research to make sure that his proposed amendments regarding burn bans are correct. Interim Town Attorney Cassell advised that it will either be in the Virginia Code, or it will have to be an ordinance. He stated that the Council is not going to be able to proceed with the motion at this meeting. Interim Town Attorney Cassell advised that Chief Slemph may already have the authority to enforce the burn ban, however, this has not been reviewed, and it could exist somewhere in the Virginia Code or Fire Prevention Code. Chief Slemph stated that he would review a fire manual and share the information with Mr. Cassell.

Councilwoman Atkins inquired of Chief Slemph regarding the burn ban that Wythe

County has in place at this time, and, if the Town of Wytheville must follow the ban. Chief Slemp stated that is correct. Discussion ensued regarding Wytheville being covered under the Wythe County burn ban until the Town can establish its own burn ban. Chief Slemp thanked the Council for allowing him to speak. Mayor Taylor thanked Chief Slemp for his presentation, and she proceeded with the agenda.

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

A. RE: WYTHE COUNTY PUBLIC SCHOOLS FOUNDATION FOR EXCELLENCE REQUEST

Mayor Taylor advised that the next agenda item is to consider the request of Wythe County Public Schools Foundation for Excellence to provide traffic control on Saturday, January 13, 2024, to conduct a Sandman Half Marathon and the MLK 5K Run. Assistant Town Manager Holeton reviewed the request with the Council, and she noted that the Safety and Events Committee has reviewed the request and recommended that it be approved. Councilwoman Atkins inquired of Assistant Town Manager Holeton if there would be rescue squad members involved throughout the route because of it being such a brutal run. Assistant Town Manager Holeton stated that this is a great question, but this was not discussed during the Committee meeting. She noted that she would be happy to send this request to the Fire and Rescue Department to see if they can be available to assist with the event. Assistant Town Manager Holeton advised that she would work with Chief Slemp regarding the request. Mayor Taylor inquired if there was a motion to approve the request of Wythe County Public Schools Foundation for Excellence to provide traffic control on Saturday, January 13, 2024, to conduct a Sandman Half Marathon and the MLK 5K Run.

Motion made by Councilman Gillman, 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.

B. RE: OPEN DOOR CAFE STUFFED STRUT REQUEST

Mayor Taylor advised that the next agenda item is to consider the request of Open Door Cafe to provide traffic control on Thursday, November 23, 2023, to conduct the Stuffed Strut 5K Run. Assistant Town Manager Holeton reviewed the request of Open Door Cafe. She noted that the Town of Wytheville has entered a team of approximately 20 Town employees through its Risk Management Funds again this year. Mayor Taylor inquired if there is a motion to approve the request of Open Door Cafe to provide traffic control on Thursday, November 23, 2023, to conduct the Stuffed Strut 5K Run.

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

C. RE: KIWANIS CLUB OF WYTHE COUNTY REQUEST

Mayor Taylor advised that the next agenda item is to consider the request of the Kiwanis Club of Wythe County to provide traffic control on Saturday, May 4, 2024, to conduct a 5K Run. Assistant Town Manager Holeton reviewed the request of the Kiwanis Club of Wythe County with the Council. Mayor Taylor inquired if there was a motion to approve the request of the Kiwanis Club of Wythe County to provide traffic control on Saturday, May 4, 2024, to conduct a 5K Run.

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

D. RE: DOWNTOWN WYTHEVILLE, INCORPORATED WYTHEVILLE CHRISTMAS PARADE AND CELEBRATION REQUEST

Mayor Taylor advised that the next agenda item is to consider the request of Downtown Wytheville, Incorporated to provide traffic control on Saturday, December 2, 2023, for the Wytheville Christmas Parade and Celebration. Assistant Town Manager Holeton reviewed the request of Downtown Wytheville, Incorporated regarding the Wytheville Christmas Parade and Celebration with the Council. She stated that she would like to note that since the Council received their packets, there has been an update to the start times. Assistant Town Manager Holeton reviewed the new start times that would allow enough time for people to get from the tree lighting ceremony to the parade lineup. Discussion ensued regarding the activities throughout the celebration.

Councilwoman Johnson inquired as to why events are being advertised in the Town's water bills before the Town Council has approved them. Town Manager Freeman stated that Staff will need to start paying close attention to the dates of the events before including the advertisement in the water bills. Councilwoman Johnson advised that future events should not be advertised before the Town Council approves them in the event that there are changes made to the event request.

Mayor Taylor inquired if there was a motion to approve the request of Downtown Wytheville, Incorporated to provide traffic control on Saturday, December 2, 2023, for the Wytheville Christmas Parade and Celebration.

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

E. RE: PERSONAL PROPERTY TAX REIMBURSEMENT RATE

Mayor Taylor advised that the next agenda item is to consider the establishment of the Personal Property Tax Reimbursement Rate. Town Treasurer Michael Stephens

stated that the Commonwealth of Virginia gives the Town of Wytheville a set amount of money each year to distribute towards non-business vehicles. He noted that, each year, these funds must be allocated based on the criteria of the Personal Property Tax Relief Act. Town Treasurer Stephens advised that this year's tax reimbursement rate is 36.48 percent. Mayor Taylor inquired if there was a motion to establish the Personal Property Tax Reimbursement Rate at 36.48 percent.

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 results, by roll call vote: Voting Yea: Councilwoman Johnson, Councilwoman Atkins, Mayor Taylor, Vice-Mayor Pattison, Councilman Gillman.

F. RE: APPOINTMENT - JOINT INDUSTRIAL DEVELOPMENT AUTHORITY OF WYTHE COUNTY

Mayor Taylor advised that the next agenda item is to consider an appointment to the Joint Industrial Development Authority of Wythe County (JIDA) to fill the expired term of Mr. David Kause (term expired November 10, 2023). A motion was made by Councilman Gillman and seconded by Vice-Mayor Pattison to appoint Mr. Mark Bloomfield to the JIDA for a four-year term. Mayor Taylor inquired if there was any discussion on the motion. Councilwoman Johnson stated that she would like to hold a meet-and-greet session with Ms. Vicki Parks before making a decision. Councilman Gillman stated that he would like to withdraw his motion to appoint Mr. Mark Bloomfield to the JIDA. It was the consensus of the Council to schedule a meet-and-greet session with Ms. Vicki Parks before appointing a new member to the JIDA.

G. RE: APPOINTMENT - BUILDING CODE APPEALS BOARD

Mayor Taylor advised that the next agenda item is to consider an appointment to the Wytheville Building Code Appeals Board to fill the expired term of Mr. William Turner, III (term expired July 26, 2023). Mayor Taylor inquired if the Council would like to make an appointment to the Building Code Appeals Board, or would they prefer to schedule a meet-and-greet session with the applicants. A brief discussion was held regarding the Building Code Appeals Board applicants. It was the consensus of the Town Council to schedule a meet-and-greet session with Mr. Andy Sayers and Mr. Landon Sayers before making an appointment to the Building Code Appeals Board.

H. RE: DISPENSE WITH DECEMBER MEETING

Mayor Taylor advised that the next agenda item is to consider dispensing with the December 25, 2023, Town Council meeting due to the Christmas holidays. Town Manager Freeman briefly discussed dispensing with the December 25 Town Council meeting. Mayor Taylor inquired if there was a motion to dispense with the December 25, 2023, Town Council meeting due to the Christmas holidays.

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.

I. RE: AMENDMENT TO TOWN HOLIDAY HOURS - CHRISTMAS EVE OBSERVANCE

Mayor Taylor advised that the next agenda item is to consider amending the holiday hours for Friday, December 22, 2023, from a half day to a full day. Vice-Mayor Pattison stated that she would suggest the Town Council grant all Town employees a full day off on Friday, December 22, 2023. A motion was made by Vice-Mayor Pattison and seconded by Councilwoman Johnson to approve amending the holiday hours for Friday, December 22, 2023, from a half day to a full day. Town Manager Freeman stated that there are employees who work in the Public Safety, Public Works and Public Utilities Departments who will not be able to take the holiday off. He noted, however, that these employees will have holiday hours added to their leave balance. Councilwoman Johnson thanked the Town employees who work in these Departments for their service during the holidays. Mayor Taylor 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.

J. RE: AMENDMENT TO TOWN HOLIDAY HOURS - THANKSGIVING HOLIDAY

Mayor Taylor advised that the next agenda item is to consider amending the holiday hours for Wednesday, November 22, 2023, from a half day to a full day. Councilwoman Atkins stated that due to the busy upcoming travel season, she would like to give Town employees a full day off on Wednesday, November 22, as an incentive. A motion was made by Councilwoman Atkins and seconded by Councilwoman Johnson to approve amending the holiday hours for Wednesday, November 22, 2023, from a half day to a full day. 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.

11. RE: REPORTS

A. RE: STAFF REPORT(S)

Town Manager Freeman presented his Staff Report, as follows:

2023 TOWN EMPLOYEE HOLIDAY BONUS: Town Manager Freeman stated that the Town of Wytheville has, historically, provided employees with a holiday bonus during the last pay period before the Thanksgiving holiday. He noted that if a bonus is provided this year, it would need to occur on the November 22, 2023, paycheck to remain consistent with that timeframe. Town Manager Freeman advised that prior to 2020, this bonus was typically computed as one (1) percent of the individual employee's salary, meaning each employee received a different amount with higher paid employees receiving more than lower paid employees. He commented that this

did not seem equitable to him. Town Manager Freeman stated that in 2020 or 2021, he proposed that the Town compute one (1) percent of payroll and then evenly distribute that to full-time employees. He noted that this came out to around \$500 for each full-time employee and in 2021 and 2022, that is what was given. Town Manager Freeman stated that, previously, bonuses were not given to part-time employees, however, last year, part-time employees with at least 50 hours worked as of October 31 were provided with a \$100 bonus. He advised that his proposal to the Town Council is to keep the holiday bonuses and bonus schedule the same as last year, with a \$500 bonus for full-time employees and a \$100 bonus to part-time employees. Mayor Taylor inquired if there was a motion to approve the \$500 bonus for full-time employees and a \$100 bonus for part-time employees with at least 50 hours worked prior to October 31, 2023.

Motion made by Councilman Gillman, Seconded by Councilwoman Johnson. Mayor Taylor inquired if there was any discussion on the motion. Councilwoman Atkins inquired of Town Manager Freeman if seasonal part-time employees will receive the holiday bonus. Town Manager Freeman stated that if they worked 50 hours from January 1 to October 31, they will receive the bonus. There being no further discussion, the motion was approved with the following voting results, by roll call vote: Voting Yea: Councilman Gillman, Vice-Mayor Pattison, Mayor Taylor, Councilwoman Atkins, Councilwoman Johnson.

B. RE: UPCOMING MEETINGS

Town Clerk Corvin presented the upcoming meetings, as follows:

1. The Wytheville Redevelopment and Housing Authority will meet on Wednesday, November 15, 2023, at 12:00 p.m., at the Housing Authority Office.
2. The New River Regional Water Authority will meet on Thursday, November 16, 2023, at 10:00 a.m., at the Water Plant in Austinville.
3. District Three will meet on Thursday, November 16, 2023, at 6:00 p.m., at the Marion Office.
4. The Homestead Museum Advisory Board will meet on Friday, November 17, 2023, at 10:00 a.m., at the Jackson Property.
5. Downtown Wytheville, Inc. will meet on Monday, November 20, 2023, at 5:30 p.m., at the DTW Office.
6. The Town of Wytheville Municipal Offices will be closed, and all services curtailed beginning Wednesday, November 22, 2023, through Friday, November 24, 2023, due to the Thanksgiving holiday.
7. The next regular meeting of the Wytheville Town Council will be held on Monday, November 27, 2023, at 5:00 p.m., in the Council Chambers.

12. RE: OTHER BUSINESS

A. RE: REHABILITATION ZONE PROGRAM

Mayor Taylor advised that the next agenda item is the continued review of the Housing Rehabilitation Zone Program. Assistant Town Manager Holeyton noted that since she reviewed this topic at the last regular meeting, she has spoken with the Council members individually and discussed their questions, concerns, etc. She stated that after those discussions, Staff has been able to develop a first draft of the Rehabilitation Zone Program, which is included in the Council's meeting package. Assistant Town Manager Holeyton commented that once the Council approves the Program, an ordinance will be required along with a map that shows the properties located in the Rehabilitation Zone. She advised that action does not need to be taken at this meeting. Assistant Town Manager Holeyton stated that she would like to give the Council some time to review the first draft of the Program, and that she would be glad to meet with any of the Council members regarding any questions or concerns they may have. She then briefly reviewed the timeline of when it would be beneficial for the Rehabilitation Zone Program to be in place. Mayor Taylor inquired of Assistant Town Manager Holeyton regarding the first draft of the Program and Town Council's discretion regarding waiving tax liens to facilitate the sale of property. Assistant Town Manager Holeyton noted that section and advised that the request will be about a specific section. She then gave the Council an example of a request regarding waiving tax liens or facilitating the sale of property at the Town Council's discretion. Assistant Town Manager Holeyton continued to discuss various items in the first draft of the Rehabilitation Zone Program with the Council. Councilwoman Johnson thanked Assistant Town Manager Holeyton for her hard work on this Program. Mayor Taylor inquired if there was any other discussion regarding this topic. There being none, she proceeded with the agenda.

B. RE: ECONOMIC DEVELOPMENT INCENTIVES

Mayor Taylor advised that the next agenda item is an update regarding the Economic Development Incentives. Assistant Town Manager Holeyton advised that the Town's Economic Development Incentives package was originally drafted in 2014, and the second edition of the package was updated in 2020. She stated that a revised version of the Economic Development Incentives package will be necessary in 2024. Assistant Town Manager Holeyton noted that multiple Town Departments and representatives in the area have met recently to discuss the current package and the possible direction of the revised package. She advised that the first draft of the Economic Development Incentives package could possibly be available by early 2024 for the Town Council's review. Assistant Town Manager Holeyton then reviewed some of the current Economic Development Incentives package with the Council members. Councilwoman Johnson inquired when the next meeting with Town Departments and other representatives will be held regarding the revision of the package. Assistant Town Manager Holeyton noted that the next meeting will be held on December 11, 2023, at 10:00 a.m. in Conference Room A. A brief discussion was held regarding Council members attending the meeting and how many members can attend at one time.

C. RE: OPEN DOOR COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Mayor Taylor advised that the next agenda item is an update regarding the Open Door Community Development Block Grant (CDBG) application. Assistant Town Manager Holeyton stated that localities can only pick one project per year for a CDBG

application. She noted that the Town received a request from Open Door to sponsor them in a CDBG application in the summer round. She advised that two public input meetings are required to sponsor a CDBG application to let the community know what kind of grant this is, and that if they had a project they would like to work with the Town on, they are welcome to share their ideas. Assistant Town Manager Holeton commented that the Town Council would not consider approving the CDBG application until after the public input meeting. She stated that Staff will present more information to the Town Council regarding Open Door's request for a CDBG application at a future meeting. Mayor Taylor inquired if the Town or if Open Door will hold the public input meeting. Town Manager Freeman stated that the first public input meeting is an administrative hearing with Staff, and the second meeting will be a regular public hearing here at the Town Municipal Office. Discussion continued regarding the public hearings and the scheduling of the meetings.

D. 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 report a pothole on Ridge Road. Town Manager Freeman stated that he will have Staff check on this matter.

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

Mayor Taylor inquired if Councilwoman Atkins had anything to discuss during Council Member Time. Councilwoman Atkins noted that she had spoken with Town Manager Freeman about trash at the water facility. Town Manager Freeman stated that he did have an explanation for the trash. Councilwoman Atkins commented that it was fine, however, she wanted to put it on the record that she had spoken with Town Manager Freeman regarding this matter.

Councilwoman Atkins noted that there may be some employees retiring within the next few years. She stated that she would like to work with the Human Resources Department, if possible, to look at employees' retirement benefits. Councilwoman Atkins commented that she was not sure what the current retirement benefits are, but she would like to see if the Town could offer better benefits. A brief discussion was held regarding possible ideas on how to begin improving retirement benefits. Town Manager Freeman stated that he would like to discuss these ideas further with Councilwoman Atkins and bring them back to a future meeting. Councilwoman Atkins advised that she will discuss this matter with Town Manager Freeman.

Councilwoman Atkins inquired of Town Manager Freeman regarding the status of installing reflective stickers on the Town's Public Work vehicles. Town Manager Freeman stated that he would check on this matter.

Mayor Taylor inquired if Councilwoman Johnson had anything to discuss during Council Member Time. Councilwoman Johnson stated that parking on Main Street had been discussed previously, however, she wanted to bring this topic up as a reminder that the parking is an ongoing problem. Town Manager Freeman gave a

brief overview of some of the parking enforcement solutions that were discussed in the past.

Mayor Taylor stated that Wythe County Community Hospital is requesting an additional handicapped parking spot in the area of the corner of Fourth and Main Streets. Town Manager Freeman advised that he had Staff review this request recently, and that he would email the Council members regarding the results of Staff's analysis.

E. RE: CLOSED MEETING

Mayor Taylor advised that it will now be necessary for the Council to go into a closed meeting pursuant to Section 2.2-3711 (A.) (3.) Discussion regarding the acquisition/disposition of property used for a public purpose. She inquired if there was a motion to go into a closed meeting.

Motion made by Vice-Mayor Pattison, Seconded by Councilman Gillman. Mayor Taylor inquired if there was any discussion on the motion. Councilwoman Johnson inquired if this topic was discussed in a previous closed meeting. Mayor Taylor stated that is correct. Councilwoman Johnson noted that she thought this topic was put to rest at a previous meeting. Mayor Taylor advised that someone wanted to discuss this topic again, and that it was never voted on to put it to rest. Brief discussion continued regarding this topic being the subject of a previous closed meeting. 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. (7:06 p.m.)

F. RE: CERTIFICATION OF CLOSED MEETING

Mayor Taylor advised that it was necessary to certify the closed meeting. She noted that it was also 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 acquisition/disposition of property used 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 as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

Motion made by Councilman Gillman, 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 results, by roll call vote: Voting Yea: Councilwoman Johnson, Councilwoman Atkins, Mayor Taylor, Vice-Mayor Pattison, Councilman Gillman. (8:41 p.m.)

G. RE: TOWN PROPERTY ON STAFFORD UMBERGER DRIVE

A motion was made by Vice-Mayor Pattison and seconded by Councilman Gillman to offer the Town property on Stafford UMBERGER Drive to the interested party at the amount authorized, subject to approval by the Town Council after a public hearing, and, if unsuccessful, to prepare a Request for Proposal (RFP) for a real estate agent

selected by the Town Council. 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.

H. RE: PROPERTY AT 1035 NORTH FOURTH STREET

A motion was made by Vice-Mayor Pattison and seconded by Councilman Gillman to set a public hearing for the January 8, 2024, Town Council meeting to consider the proposed acquisition of real property for \$200,000 at 1035 North Fourth Street. 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.

13. RE: ADJOURNMENT

There being no further business to be discussed a motion was made, seconded and carried to adjourn the meeting. (8:47 p.m.)

Beth A. Taylor, Mayor

Sharon G. Corvin, CMC, Town Clerk

9-A

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	November 27, 2023
Subject:	Ordinance No. 1427

SUMMARY:

Fire Chief Chris Slemp will review Ordinance No. 1427, an ordinance that makes amendments to the Fire Prevention and Protection section of the Town Code, as well as a few other sections of the Code. As the Council will recall, Fire Chief Slemp reviewed the proposed revisions at the last meeting, and this is the draft of the ordinance that will make the changes to the Town Code once it is adopted.

Recommended Action

No action is required at this time.

**DRAFT
ORDINANCE NO. 1427**

At a regular meeting of the Town Council of the Town of Wytheville, Virginia, held in the Council Chambers on the 27th day of November 2023, at 5:00 p.m.

Present:

Absent:

AN ORDINANCE REPEALING AND REPLACING CHAPTER 6, FIRE PREVENTION AND PROTECTION; AND, AMENDING AND REENACTING CHAPTER 9, OFFENSES – MISCELLANEOUS, ARTICLE III. AIR POLLUTION CONTROL BY RENAMING THE ARTICLE AND BY REMOVING THE FOLLOWING SECTIONS: SECTION 9-76. DEFINITIONS; SECTION 9-77. PENALTY; SECTION 9-78. AUTHORITY AND DECLARATION OF POLICY; SECTION 9-79. RELATIONSHIP TO STATE RULES; SECTION 9-80. POWERS AND RESPONSIBILITIES OF AIR POLLUTION CONTROL OFFICER; SECTION 9-81. OPEN BURNING; SECTION 9-82. SMOKE OR OTHER VISIBLE EMISSIONS; AND, SECTION 9-83. EMERGENCY PROCEDURE; AND AMENDING AND REENACTING CHAPTER 11. POLICE, ARTICLE III. ALARM SYSTEM, SECTION 11-44. PENALTIES FOR FALSE ALARMS, OF THE CODE OF THE TOWN OF WYTHEVILLE, VIRGINIA

BE IT ORDAINED by the Town Council of the Town of Wytheville, Virginia, that Chapter 6, Fire Prevention and Protection be repealed and replaced; Chapter 9, Offenses – Miscellaneous, Article III. Air Pollution Control be amended and reenacted by renaming the Article and by removing the following sections: Section 9-77. Penalty; Section 9-78. Authority and Declaration of Policy; Section 9-79. Relationship to State Rules; Section 9-80. Powers and Responsibilities of Air Pollution Control Officer; Section 9-81. Open Burning; Section 9-82. Smoke or Other Visible Emissions; and, Section 9-83. Emergency Procedure; and amending and reenacting Chapter 11. Police, Article III. Alarm Systems, Section 11-44. Penalties for False Alarms, as follows:

CHAPTER 6. PUBLIC SAFETY

ARTICLE I. IN GENERAL

Secs. 6-1—6-15. Reserved.

ARTICLE II. FIRE DEPARTMENT

DIVISION 1. GENERALLY

Sec. 6-16. Establishment of the town fire and rescue department; purposes.

- (a) There is hereby created the town fire and rescue department.
- (b) The town council by creation of the fire and rescue system intends to ensure adequate public safety, health and welfare through a collaborative fire, rescue and emergency medical services program that is competent, highly trained, efficiently delivered and equitably administered, and that is operated through the town's fire and rescue department, in accordance with this article. The system should provide maximum cost-effective performance, promote the town-wide public interest, account for adequate service levels, provide for sound financial practices involving the use of public funds, ensure transparency

in the operation of the combined system, fairly communicate and consider all views regarding the provisions of these services, provide for the improvement in training and operational capabilities of all service providers, and develop near- and long-term plans and policies for projected growth and development in the town and its public safety requirements.

- (c) The delivery of fire, rescue and emergency medical services shall be accomplished through a coordinated policy and regulatory framework that addresses the town-wide need for such services and advances the competence and capabilities of the town's providers, both career and volunteer.

Sec. 6-17. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief of the fire and rescue department or *FRD chief* means the chief of the town fire and rescue department.

Coordinator of emergency management or *emergency management coordinator* means the person tasked with coordinating emergency response for the town under the Commonwealth of Virginia Emergency Services and Disaster Law of 2000.

Corporation counsel means the town attorney.

Department or *fire and rescue department* means the town's fire and rescue department.

Director of emergency management or *emergency management director*, for purposes of this ordinance and the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, means the town manager.

Emergency management means preparation and delivery of those services provided for under the Commonwealth of Virginia Emergency Services and Disaster Law of 2000.

Fire alarm means the giving, signaling, or transmission to any public safety answering point, public fire station, or company or to any officer or employee thereof, whether by telephone, spoken word or otherwise, of information to the effect that there is a fire at or near the place indicated by the person giving, signaling or transmitting such information.

Fire and rescue department means the department of the town described in section 6-18.

Fire and rescue services, fire and rescue system or *system* means the town's fire and rescue system established by section 6-16.

Fire code official means the officer or other designated authority charged with administration and enforcement of the fire prevention code.

Fire hazard means any thing or act increasing or causing an increase of the hazard or menace of fire to a greater degree than that customarily recognized by persons in the public service who are regularly engaged in preventing, suppressing or extinguishing a fire; or which will obstruct, delay, hinder or interfere with the operations of the fire and rescue department or the egress of occupants in the event of a fire.

Fire lane means a road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus.

Fire marshal means the person appointed as fire marshal pursuant to section 6-59.

Fire official means the fire chief or designee.

Fire Prevention Code or *FPC* means that Code adopted under Code of Virginia, § 27-97.

Fireworks means any firecracker, torpedo, skyrocket, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known as fireworks, and which explodes, rises into the air or travels laterally, or fires projectiles into the air.

Fireworks display means a presentation of fireworks for a public or private gathering.

Hazardous material means matter (solid, liquid or gas) or energy that when released is capable of creating harm to people, the environment and property, including weapons of mass destruction, as defined by 18 U.S. Code, Section 2332a, as well as any other criminal use of hazardous materials, such as illicit labs, environmental crimes or industrial sabotage.

Member, as used in the Fire Prevention Code, means any authorized representative of the fire marshal's office or the town fire and rescue department.

Operational medical director means an EMS physician, currently licensed to practice medicine or osteopathic medicine in the commonwealth, who is formally recognized and responsible for providing medical direction, oversight and quality improvement to the town fire and rescue system.

Open burning means the burning of material wherein products of combustion are emitted into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

Permissible fireworks means any fountains that do not emit sparks or other burning effects to a distance greater than five meters (16.4 feet); wheels that do not emit a flame radius greater than one meter (39 inches); crackling devices and flashers or strobes that do not emit sparks or other burning effects to a distance greater than two meters (78.74 inches); and sparkling devices or other fireworks devices that (i) do not explode or produce a report, (ii) do not travel horizontally or vertically under their own power, (iii) do not emit or function as a projectile, (iv) do not produce a continuous flame longer than 20 inches, (v) are not capable of being reloaded, and (vi) if designed to be ignited by a fuse, have a fuse that is protected to resist side ignition and a burning time of not less than four seconds and not more than eight seconds (re: Virginia Code Section 27-95).

Policy means a generally applicable rule for the operation of the fire and rescue system.

Promulgated policy or standard operating procedure means one which is in effect.

Public funds means any monies appropriated by the town council for the purposes of the fire and rescue system whether derived from town levies or general funds, or any fees, grants, loans or gifts from any federal, state, local or private source whatsoever and any monies commingled with such public funds.

Public safety answering point (PSAP) means a point designated to receive 911 calls and route them to emergency service personnel.

Recreational fire means an outdoor fire burning material other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fire place, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Readiness, for purposes of a mitigation plan under section 6-19(c), means the ability of emergency responders within the system to respond to fires, hazardous material releases or medical emergencies for which they have been trained.

Standard operating procedure/Standard Operating Guideline or SOP/SOG means a prescribed method to be followed routinely for the performance of designated operations or in designated situations.

Sec. 6-18. Town fire and rescue department.

The town fire and rescue department is continued as a department of the town government. The department shall be responsible for providing fire suppression, emergency medical service, fire prevention, and other related public safety functions. The town fire and rescue department shall be under the operational command of a full-time employee reporting to the town manager and designated chief of the fire and rescue department (the "FRD chief"). The town fire and rescue department is hereby recognized as a designated emergency response agency and an integral part of the official public safety program of the town with a responsibility for providing emergency medical response.

Sec. 6-19. Chief of the fire and rescue department; powers and duties.

- (a) The FRD chief has operational control of the fire and rescue system, serves as the department head of the town fire and rescue department; develops policies and SOP's and SOG's that are consistent with applicable law, relevant fire and rescue standards and agreed regional policies and operating procedures; and performs other job functions as required by the town manager or the town council. The term "operational control of the fire and rescue system" means that the FRD chief controls the day-to-day operations of the system, including, but not limited to, managing and commanding use of apparatus and equipment (regardless of how it is titled or how it is marked), the coordination of shifts between career and volunteer crews, coordination with mutual aid jurisdictions, the planning and implementation of training, insurance, incident and accident reporting and such other administrative or operational details as have any bearing on the operation of the system in accordance with the purposes recited in section 6-16.
- (b) Policies and guidelines may be proposed by the FRD chief, to address any aspects of the fire and rescue system, including, but not be limited to, the following topics:
 - (1) Command and operation of the fire and rescue system and emergency incident procedures;
 - (2) Maintenance and repair of vehicles and equipment;
 - (3) Proper insurance coverage;
 - (4) Driver selection and vehicle and equipment use;
 - (5) Emergency medical services protocols, in concert with the operational medical director;
 - (6) Drug and alcohol use, and driver testing for drugs and alcohol;
 - (7) Licensing and compliance with other state and federal requirements; and
 - (8) Audit of all public funds, member organization compliance with promulgated policies and SOP's, operational capabilities and any other matter that may be deemed necessary or convenient to the effectuation of the town's intent set forth in section 6-16.
- (c) Except in an emergency, policies and guidelines shall be in writing, shall state its effective date and shall state its mitigation plan. Unless exempt from disclosure under the Virginia Freedom of Information Act, each promulgated policy and guideline shall be subject to FOIA.
- (d) In the case of an emergency, defined as a sudden, urgent, usually unexpected occurrence or occasion requiring immediate action, the FRD chief may issue such policies or SOPs as he may determine are required for the duration of any such emergency. Any emergency policy or SOP shall be reduced to writing as soon as practical and shall remain in effect for more than 90 days.
- (e) The FRD chief makes recommendations to the town manager, and the town council, and faithfully executes promulgated policies and SOP's.
- (f) The FRD chief serves as the emergency management coordinator for the town, reporting to the emergency management director.
- (g) Shall serve as the town's fire official.
- (h) May exercise authority as granted pursuant to Virginia law.
- (i) In case of absence or disability of the FRD chief, an assistant or acting chief of the fire and rescue department shall exercise all the powers and assume the responsibilities of the FRD chief.

Sec. 6-20. Unified command and operations structure.

Whenever this article uses the term "chief or other officer in charge," it means the highest-ranking officer on the scene who has been certified or otherwise qualified for incident scene command in accordance with a promulgated policy.

Sec. 6-21. Titling of vehicles and equipment.

- (a) All apparatus and equipment used and to be used for fire, rescue and emergency medical services employed by the fire and rescue system and purchased following the enactment of this article with public funds shall be the property of the town and subject to the provisions of this Code governing town property.
- (b) It shall be the responsibility of the FRD chief to keep all apparatus referred to in subsection (a) of this section in proper condition and repair in accordance with promulgated policies and, to that end, to make regular systematic inspections of such apparatus and equipment and to establish and carry out maintenance schedules in accordance with promulgated policies.

Sec. 6-22. Background checks.

Every person entering service with the system shall undergo a criminal background check at the expense of the town and a department of motor vehicle check under Code of Virginia, § 46.2-208(B)(9). Such person's criminal history record information shall be disclosed only pursuant to the provisions of Code of Virginia, § 19.2-389(A)(7) or other applicable provision of state law. Any criminal history shall be examined for compatibility with potential employment duties. No person shall operate a motor vehicle for the system whose driving history is incompatible with such service under criteria to be established by policy or whose criminal history or driving history would cause the system to be in violation of any mutual aid agreement, state regulation or other legal obligation. At a minimum, the policy adopted to implement this section shall prohibit driving a vehicle for the system by any person with a driving point total of less than zero or a conviction within the past seven (7) years for driving under the influence or similar charge, driving on a suspended license or reckless driving.

Sec. 6-23. Service fees for emergency medical transport.

Reasonable fees shall be charged for emergency medical transport services and ground transportation mileage provided by the town fire and rescue system. The schedule of rates for services shall be established by resolution of the town council.

Sec. 6-24. Authority of the chief of the fire and rescue department.

The FRD chief is hereby authorized and directed to write policies and guidelines and for the administration of the charges imposed by section 6-23, including, but not limited to, payment standards for those persons who demonstrate economic hardship, as permitted by applicable law.

DIVISION 2. RELIEF FOR FIREFIGHTERS AND DEPENDENTS

Sec. 6-25. Conditions and benefits.

The town hereby provides for the relief of:

- (a) Any children and surviving spouse of any firefighter who dies;
- (b) Any firefighter who is disabled by injury or illness as the direct or proximate result of the performance of his duty, including the presumption under Code of Virginia, § 27-40.1, in the service of the town or any political subdivision with which it contracts or has contracted for fire protection, whether such firefighter is a member of a fire company of the county in which the injury occurred or of a political subdivision with which it contracts for fire protection.

Such total disability retirement benefits shall be not less than those provided under the in-line-of-duty disability retirement provisions of Code of Virginia, § 51.1-404. Such relief of any children and surviving spouse of any firefighter who dies shall be exclusive of, and not dependent upon, any payment under the Line of Duty Act.

Sec. 6-26. Death and disability claims; prerequisites.

- (a) The death of, or any condition or impairment of the health of town firefighters caused by respiratory diseases, hypertension or heart disease resulting in total or partial disability, shall be presumed to have been suffered in the line of duty unless the contrary is shown by a preponderance of competent evidence, provided that prior to making any claim based upon such presumption for retirement, sickness or other benefits on account of such death or total or partial disability, such firefighter shall have been found free from respiratory diseases, hypertension or heart disease, as the case may be, by a physical examination

which shall include such appropriate laboratory and other diagnostic studies as have been deemed necessary and conducted by such physician as may be designated by the town manager. Any such firefighter or, in the case of his death, any person entitled to make a claim for such benefits, claiming that his death or disability was suffered in the line of duty shall, if requested by the town manager, submit himself, in the case of a claim for disability benefits, to physical examination by any physician designated by the council, which examination may include such tests or studies as may reasonably be prescribed by the physician so designated or, in the case of a claim for death benefits, submit the body of the deceased firefighter to a postmortem examination to be performed by the medical examiner for the county, appointed under Code of Virginia, § 32.1-282. Such firefighter or claimant shall have the right to have present at such examination, at his own expense, any qualified physician he may designate. Nothing in this section shall be construed to extend or otherwise affect the provisions of Code of Virginia, title 65.1, relating to workers' compensation.

- (b) To carry out the intention of providing relief to town firefighters and/or their dependents, the town authorizes its town manager to provide for the employment of a physician, as needed, to perform the physical examination required by subsection (a) of this section. The town manager is to instruct the physician and limit the physical examination to the requirements of subsection (a) of this section. He shall cause such examination to be made of every firefighter entering upon the town's service at the time of such entry.
- (c) Such presumption, subject to the provisions of subsection (a) of this section, shall be employed in determining eligibility for death, retirement, sickness and other benefits provided pursuant to the authority granted by this section, or pursuant to any other provisions of law or the Charter of the town, or otherwise, for persons who die or become totally or partially disabled.

Secs. 6-27—6-50. Reserved.

ARTICLE III. FIRE PREVENTION CODE

Sec. 6-51. Adoption.

The statewide fire prevention code shall be in force in the town.

Sec. 6-52. When and where copies may be obtained.

Copies of the fire prevention code adopted under this article may be obtained at the office of the town manager during regular office hours.

Sec. 6-53. Term of permits.

Any permit issued under this article and/or the Virginia Statewide Prevention Code shall define the period for which the permit is valid.

Sec. 6-54. Office of the Fire Marshal.

The Office of the Fire Marshal's position shall reside within the Fire and Rescue Department. The appointment of the fire marshal and assistant fire marshals shall be consistent with section 6-59 of this chapter.

Sec. 6-55. Modifications.

The fire official shall have power to modify any of the provisions of the fire prevention code adopted under this article upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of such fire prevention code, provided that the spirit of the fire prevention code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire official thereon shall be entered upon the records of the town and a signed copy shall be furnished to the applicant.

Sec. 6-56. Appeals.

Appeals shall be managed and heard in a manner consistent with the Virginia Statewide Fire Prevention Code.

Sec . 6-57. Penalties.

- (a) Any person violating or failing to comply with any provision of this division or the Virginia Statewide Fire Prevention Code, as amended, shall be guilty of a Class 1 misdemeanor. Each violation or failure shall constitute a separate offense, and each day during which the same violation or failure is found to have existed shall constitute a separate offense.
- (b) In addition to the penalties specified in subsection(a), the fire marshal may invoke any other lawful procedure to prevent or abate any violation of this division.

Sec. 6-58. Fireworks.

- (a) *Transportation, manufacture, use, etc., generally; confiscation and disposition.*
 - (1) Except as otherwise provided in this article, it shall be unlawful for any person to transport, manufacture, store, sell, offer for sale, expose for sale, buy, use, ignite or explode any firecracker, torpedo, skyrocket, or other substance or thing within the town, of whatever form or construction, that contains any explosive or inflammable compound or substance, commonly known as fireworks, which explodes, rises into the air or travels laterally, or fires projectiles into the air, other than permissible fireworks provided that such permitted fireworks may only be used, ignited or exploded on private property with the consent of the owner of such property.
 - (2) Any fireworks transported, manufactured, stored, sold, offered for sale, exposed for sale, bought or intended for use, ignition or explosion in violation of this article shall, upon conviction of the person guilty of the violation in question, be confiscated by the police department. The court shall order destruction of such articles upon expiration of the time allowed for appeal of such judgment of conviction.
- (b) *Display by fair association, etc.* Upon application in writing for a display of fireworks by a fair association, amusement park or by any organization or group of individuals, the town manager may, in his discretion, issue a permit for the supervised display of such fireworks within the town at definite times and places and under such circumstances as shall be reasonably safe for persons and property. After such permit has been issued, sales of fireworks may be made for use under such permit, and the association, amusement park, organization or group to which it is issued may make use of such fireworks under the terms and conditions of such permit.
- (c) This section shall not be construed to apply to permissible fireworks when used, ignited or exploded on private property within the consent of the owner of the property in question.
- (d) *Sale of materials for signaling in operation of railroad engine, etc.* This section shall not be construed to apply to the sale or use of materials or equipment otherwise prohibited by this section when such materials or equipment are used or to be used by any person for signaling or other emergency use in the operation of any railroad engine or train or any vehicle for the transportation of persons or property.
- (e) Sales and storage of permissible fireworks and fireworks display shall be subject to permits and fees as set for by the Wytheville Town Council.
- (f) The Town Council hereby establishes a permit requirement for the sale and/or storage of permissible fireworks.

ARTICLE IV. LOCAL FIRE MARSHALS

Sec. 6-59. Appointment of fire marshal.

There shall be a fire marshal appointed by the chief, subject to confirmation by the town manager. The fire marshal shall have all the powers and duties set out in Title 27, Chapter 3 of the Code of Virginia pertaining to local fire marshals, including those powers and duties set out in the Statewide Fire Prevention Code. The fire chief and the deputies and assistants of the fire marshal shall also have those powers and duties, in the absence of the fire marshal and as otherwise directed by the fire marshal, and the term "fire marshal" when used in this division shall include deputies and assistants of the fire marshal.

Sec. 6-60. Investigation of fires.

The fire marshal shall make an investigation into the origin and cause of every fire occurring within the town limits.

Sec. 6-61. Summoning witnesses and taking evidence.

- (a) In making such investigation, the fire marshal may issue a summons directed to the chief of police demanding the summoning of witnesses to attend before him at such time and place as the fire marshal may direct. The chief of police shall forthwith execute the summons and make return thereof to the fire marshal at the time and place named therein.
- (b) Witnesses, on whom the summons before mentioned is served, may be compelled by the fire marshal to attend and give evidence, and shall be liable in like manner as if the summons had been issued by a magistrate of the judicial district in a criminal case. The witness shall be sworn by the fire marshal before giving evidence, and their evidence shall be reduced to writing by him, or under this direction, and subscribed by them respectively.

Sec. 6-62. Right of entry to investigate cause of fire or explosion.

If, in making such an investigation, the fire marshal, his deputies or assistants shall make complaint under oath that there is good cause of suspicion or belief that the burning of or explosion on any land, building or vessel or of any object was caused by any act constituting a crime as defined in article I of chapter 5 of title 18.2 of the Code of Virginia and that the fire marshal, his deputies or assistants have been refused admittance to the land, building or vessel or to examine the object in or on which any fire or explosion occurred within 15 days after the extinguishment of such, a magistrate of the judicial district where the land, building, vessel or object is located may issue a warrant to the chief of police requiring the chief to enter such land, building or vessel or the premises upon which the object is located in the company of the fire marshal, his deputies or assistants for the purposes of conducting a search for evidence showing that such fire or explosion was caused by any act defined in article I of chapter 5 of title 18.2 of the Code of Virginia.

Sec. 6-63. Issuance of fire investigation warrant.

If, in undertaking such an investigation, the fire marshal, his deputies or assistants makes an affidavit under oath that the origin or cause of any fire or explosion on any land, building, or vessel, or of any object is undetermined and that he has been refused admittance thereto, or is unable to gain permission to enter such land, building, or vessel, or to examine such object, within 15 days after the extinguishing of such, any magistrate of the judicial district where the land, building, vessel or object is located may issue a fire investigation warrant to the fire marshal authorizing him to enter such land, building, vessel or the premises upon which the object is located for the purpose of determining the origin and source of such fire or explosion. If the fire marshal, his deputies or assistants, after gaining access to any land, building, vessel, or other premises pursuant to such a fire investigation warrant, has probable cause to believe that the burning or explosion was caused by any act constituting a criminal offense, he shall discontinue the investigation until a search warrant has been obtained pursuant to section 6-62, or consent to conduct the search has otherwise been given.

Sec. 6-64. Report of investigation.

The fire marshal shall make report to the town council of any investigation made by him as soon thereafter as practicable, returning therewith the evidence taken by him and submitting such recommendations therein as he may think the public interest demands.

Sec. 6-65. Duties and powers at fires.

Whenever any fire occurs, it shall be the duty of the fire marshal or his designated representative to be present at the same and advise and act in concert with such officers of police as may be present; and, for preserving order at and during the existence of such fire, and for the protection of property, he shall have concurrent powers with the officers of police, and the chief or other officer in charge, but shall not exercise any authority which will conflict with the powers of the chief or other officer in command of any fire department in the discharge of his special duties as such.

Sec. 6-66. Power of fire marshal or fire chief to take property found at scene of fire or explosion; restitution of such property.

The fire chief, fire marshal or his designated representative is authorized to take and preserve any property found at the scene of a fire or explosion during his presence there while in the act of extinguishing such or found later with the consent of the owner or pursuant to section 6-62, which property indicates the fire or explosion was intentionally caused. Any person

whose property is so taken and held may petition the circuit court of the county for return of the property, and the court may order restitution upon such conditions as are appropriate for preservation of evidence, including the posting of bond.

Sec. 6-67. Power to arrest, procure and serve warrants, and to issue summons; limitation on authority.

- (a) In addition to such other duties as may be prescribed by law, the local fire marshal, his deputies or assistants shall, if authorized by the town council, have the authority to arrest, to procure and serve warrants of arrest and to issue summons in the manner authorized by general law for violation of local fire prevention and fire safety and related ordinances. The authority granted in this section shall not be exercised by the fire marshal, his deputies or assistant until such person has satisfactorily completed a training course designed specifically for local fire marshals and their assistants, which course shall be approved by the state fire services board.
- (b) The department of fire programs in cooperation with the department of criminal justice services shall have the authority to design, establish and maintain the required courses of instruction through such agencies and institutions as the departments jointly may deem appropriate and to approve such other courses as such departments determine appropriate.
- (c) The authority granted in this section shall not be construed to authorize the fire marshal or his assistants to wear or carry firearms unless the fire marshal, his deputies or assistants have met the standards set forth under section 6-68 of this chapter.

Sec. 6-68. Police powers of fire marshals.

- (a) In addition to such other duties as may be prescribed by law, the local fire marshal and his assistants designated by the fire marshal shall, if authorized by the town council, have the same police powers as the chief of police, police officer or law enforcement officer. The investigation and prosecution of all offenses involving fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances and fire bombs shall be the responsibility of the fire marshal or his designee, if authorized by the town council. The police powers granted in this section shall not be exercised by the fire marshal or his assistant until such persons has satisfactorily completed a course for fire marshals with police powers, designed by the department of fire programs in cooperation with the department of criminal justice services, which course shall be approved by the state fire services board.
- (b) In addition, the fire marshal with police powers shall continue to exercise those powers only upon satisfactory participation in in-service and advanced courses and programs designed by the department of fire programs in cooperation with the department of criminal justice services, which courses shall be approved by the state fire services board.

Sec. 6-69. Right of entry to investigate releases of hazardous material, hazardous waste, or regulated substances.

The fire marshal shall have the right to enter upon any property from which a release of any hazardous material, hazardous waste, or regulated substance, as defined in the Code of Virginia, § 10.1-1400 or 62.1-44.34:8, has occurred or is reasonably suspected to have occurred and which has entered into the groundwater, surface water or soils of the town in order to investigate the extent and cause of any such release. If, in undertaking such an investigation, the fire marshal makes an affidavit under oath that the origin or cause of any such release is undetermined and that he has been refused admittance to the property, or is unable to gain permission to enter the property, any magistrate serving the town where the property is located may issue an investigation warrant to the fire marshal authorizing him to enter such property for the purpose of determining the origin and source of the release. If the fire marshal, after gaining access to any property pursuant to such investigation warrant, has probable cause to believe that the release was caused by any act constituting a criminal offense, he shall discontinue the investigation until a search warrant has been obtained or consent to conduct the search has otherwise been given.

Sec. 6-70. Power to order immediate compliance with law, etc., or prohibit use of building or equipment.

The local fire marshal shall, if authorized by the town council, have the authority to exercise the powers authorized by the fire prevention code. However, an order prohibiting the use of a building or equipment-issued pursuant to this section shall not be effective beyond the date of a determination made by the authorities identified in and pursuant to the Code of Virginia, § 27-97, regardless of whether or not said determination overrules, modifies or affirms the order of the local fire marshal. If an order of the local fire marshal issued pursuant to this section conflicts to any degree with an order previously issued by an authority identified in pursuant to the Code of Virginia, § 27-97 the latter order shall prevail. The local fire marshal shall immediately report to the authorities identified in the Code of Virginia, § 27-97, on the issuance and content of any order issued pursuant to this section.

Sec. 6-71. Inspection and review of plans of buildings under construction.

Inspection of buildings other than state-owned buildings under construction and the review and approval of building plans for these structures for enforcement of the uniform statewide building code shall be the sole responsibility of the appropriate local building inspectors for the town. Upon completion of such structures, responsibility for fire safety protection shall pass to the local fire marshal or designated official by the town to enforce the statewide fire prevention code in those localities which enforce the statewide fire prevention code.

Sec. 6-72. Penalty for failure to discharge duty.

For his failure to discharge any duty required of the fire marshal by law he shall be liable for each offense to a fine not exceeding \$100.00, to be imposed by the town council and to be collected as other fines are collected.

Sec. 6-73. Appointment, powers and duties of assistant fire marshal.

The fire chief may appoint one or more deputy or assistant fire marshals, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal.

Sec. 6-74. Oaths of fire marshal and assistants.

The fire chief, fire marshal and his assistants, before entering upon their duties, shall respectively take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of such office; the certificate of the oath shall be returned to and preserved by the town council.

ARTICLE V. RECOVERY OF EXPENSES FOR RESPONSE TO CERTAIN EMERGENCY CALLS

Sec. 6-75. Hazardous materials incidents.

- (a) Wytheville FRD shall make every attempt to recover expenses incurred while performing official duties at the scene of a hazardous materials release.
- (b) When the incident requires the resources of the Wytheville FRD, the responsible party shall be responsible for reimbursement of expenses directly to the Town of Wytheville for all expendable items used, personnel charges and apparatus charges at the rate set forth by the Town Council
- (c) Monies recovered from such incidents shall be appropriated back to the Wytheville FRD budget to help replace items used and provide for partial funding of capital projects required to maintain and operate the hazardous materials response capabilities of the department.

Sec. 6-76. False/accidental alarms.

- (a) It is unlawful to call for the services of emergency assistance when the caller knows that an emergency does not exist. Provisions for negligent calls of this type are governed by Virginia Code, section 18.2-212.
- (b) Every individual, business or organization which has a fire alarm system which automatically reports such alarm to a public safety answering point (PSAP) or provides for notification of off-site personnel, shall be responsible for the proper functioning of that alarm system.

- (c) Every individual, business or organization which has a fire alarm system, as defined in section 6-17, shall be required to notify the appropriate PSAP that an accidental alarm has been activated within two (2) minutes of the alarm sounding or such individual, business or organization may be liable for payment of a fee for response to the alarm.
- (d) For those identified in paragraph (b) above, a fee will be assessed for each accidental alarm responded to where the appropriate PSAP has not been notified within two (2) minutes of the alarm activation. In the case of fire alarms, a charge shall be assessed for each alarm occurring after three (3) false alarms per quarter within a 12-month period from July 1 to June 30 of each year, with results in the Wytheville FRD response to the alarmed premises, regardless of the cause of the false alarm or malfunction signal. The service charges shall be payable within 30 days of written notification to the subscriber or owner of the alarm system and will be assessed on a quarterly basis. The charge will be consistent with fees set forth by the Wytheville Town Council in the Master Fee Schedule. Late payments will be assessed a ten percent fee.
- (e) All fees collected as a result of this section shall be used to offset the costs of providing fire services.
- (f) The Wytheville FRD shall be responsible for carrying out the provisions of this section.

Sec 6.77. – Reserved

ARTICLE VI. REGULATIONS REGARDING BURNING

Sec 6.78 – Burning of leaves, trash, and other waste material generally.

- (a) Except as otherwise provided, it shall be unlawful for any person to burn any garbage, trash, refuse, rubbish or other waste material in the Town of Wytheville.
- (b) Leaves and brush originating on the premises of private residences may be burned on those premises; providing, that:
 - (1) The requirements of Section 6.79 of this article are followed, and a season limitation does not exist.
 - (2) The burn ban is not in effect as listed in Section 6.80 of this article is not in effect.
 - (3) Such burning is done between 9:00 a.m. and 12:00 a.m. (midnight) and all embers are totally extinguished at the end of the period.
 - (4) No material is added to the fire between 9:00 p.m. and 9:00 a.m.
 - (5) The location of the burning is not less than one hundred (100) feet from any occupied building, unless the occupant has given prior written permission.
 - (6) To minimize the possibility of contaminant emission from inadvertent fires, at no time shall the fire be unattended.
- (c) No burning of garbage, trash, refuse, rubbish or other waste material or of leaves or brush permitted under this section shall be commenced, or if such burning has been commenced it shall be immediately terminated, upon the declaration of an alert warning or emergency stage of the air pollution episode, when proclaimed by the executive director of the state air pollution control board of his designated representative.
- (d) A violation of any provision of this section shall constitute a Class 1 misdemeanor.
- (e) Open burning that is the result of the clearing of land greater than 10,000 square feet and is not result of agricultural operations shall require a fire permit issued by the Town's Fire Marshal's Office.

Sec. 6.79 – Regulating the burning of woods, brush, etc.; penalties.

- (a) It shall be unlawful for any owner or lessee of land to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris, or other inflammable material upon such land unless he previously has taken all reasonable care and precaution, by having cut

and piled the same or carefully cleared around the same, to prevent the spread of such fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris, or other inflammable material, upon such land unless he has taken similar precautions to prevent the spread of such fire to any other land.

- (b) Except as provided in subsection C, during the period February 15 through April 30 of each year, even though the precautions required by the foregoing subsection have been taken, it shall be unlawful, in any county or city or portion thereof organized for forest fire control under the direction of the State Forester, for any person to set fire to, or to procure another to set fire to, any brush, leaves, grass, debris or field containing dry grass or other inflammable material capable of spreading fire, located in or within 300 feet of any woodland, brushland, or field containing dry grass or other inflammable material, except between the hours of 4:00 p.m. and 12:00 midnight.

The provisions of this subsection shall not apply to any fires which may be set to prevent damage to orchards or vineyards by frost or freezing temperatures or be set on federal lands.

- (c) Subsection B shall not apply to any fire set during the period beginning February 15 through April 30 of each year, if:

- (1) The fire is set for "prescribed burning" that is conducted in accordance with a "prescription" and managed by a "certified prescribed burn manager" as those terms are defined in § 10.1-1150.1 of the Code of Virginia;
- (2) The burn is conducted in accordance with § 10.1-1150.4 of the Code of Virginia;
- (3) The State Forester has, prior to February 1, approved the prescription for the burn; and
- (4) The burn is being conducted for one of the following purposes: (i) control of exotic and invasive plant species that cannot be accomplished at other times of the year, (ii) wildlife habitat establishment and maintenance that cannot be accomplished at other times of the year or, (iii) management necessary for natural heritage resources.

The State Forester may on the day of any burn planned to be conducted pursuant to this subsection revoke his approval of the prescription for the burn if hazardous fire conditions exist. The State Forester may revoke the certification of any certified prescribed burn manager who violates any provision of this subsection.

- (d) Any person who builds a fire in the open air, or uses a fire built by another in the open air, within 150 feet of any woodland, brushland or field containing dry grass or other inflammable material, shall totally extinguish the fire before leaving the area and shall not leave the fire unattended.
- (e) Any person violating any provisions of this section shall be guilty of a Class 3 misdemeanor for each separate offense. If any forest fire originates as a result of the violation by any person of any provision of this section, such person shall, in addition to the above penalty, be liable to the Commonwealth for the full amount of all expenses incurred by the Commonwealth in suppressing such fire. Such amounts shall be recoverable by action brought by the State Forester in the name of the Commonwealth on behalf of the Commonwealth and credited to the Forestry Operations Fund. (§ 10-1142)

Sec. 6-80 – Regulating or prohibiting the making of fires.

- (a) The Fire and Rescue Chief, acting on behalf of the Town of Wytheville, shall enforce this section and shall regulate or prohibit the making of fires in streets, alleys, and other public places and regulate the making of fires on private property. When deemed appropriate, the Fire and Rescue Chief may impose an open burning ban on the entire town or sections of the town that would make open burning a threat to life, property or nuisance. (§ 15.2-922.1)

CHAPTER 9

OFFENSES – MISCELLANEOUS

ARTICLE III. AIR POLLUTION IN PUBLIC BUILDINGS AND PLACES

Sec. 9-81 – 9.83 Reserved

Sec. 9-84. - Smoking in public buildings and places.

(a) *Purpose.* The purpose of this section is to adopt regulations controlling and regulating smoking in public places in the town and to direct and authorize the town manager to develop and implement smoking/vaping policies and procedures for town-owned and controlled buildings and work areas.

(b) *Authority.* The authority for this section is found in the Virginia Indoor Clean Air Act, hereafter sometimes referred to as state law. The definitions used there also apply herein.

(c) *Smoking prohibited in certain areas.* It is unlawful for any person to smoke in any of the following place.

- (1) Elevators, regardless of capacity;
- (2) Common areas in an educational facility, including, but not limited to, classrooms, hallways, auditoriums, and public meeting rooms;
- (3) Any part of a restaurant designated a "no smoking" area pursuant to state law;
- (4) Indoor service lines and cashier areas;
- (5) School buses and public conveyances.

(d) Smoking and no smoking areas.

(1) The town manager shall provide in all town-owned and -controlled buildings or enclosed public space reasonable smoking/vaping and no smoking/no vaping areas, considering the nature of the use and the size of the building. The town manager shall post as appropriate signs stating "No Smoking" and/or "No Vaping."

(2) Designated smoking areas shall not encompass so much of the building structure, space, place or area open to the general public that reasonable no smoking areas, considering the nature of the use and the size of the building, are not provided.

(3) Designated smoking areas shall be separate to the extent reasonably practicable from those rooms or areas entered by the public in the normal use of the particular business or institution.

(4) In designated smoking areas, ventilation systems and existing physical barriers shall be used when reasonably practicable to minimize the permeation of smoke into no smoking areas. However, this section shall not be construed as requiring physical modifications or alterations to any structure.

(5) The town manager may develop and implement policies and procedures governing smoking/vaping in parts of town-owned and -controlled buildings or work areas not open to the general public in the normal course of business, except by invitation. The town manager shall enforce these policies and procedures through administrative methods.

(e) *Posting of regulatory signs; penalty for violation.*

(1) Any person who owns, manages or otherwise controls any building or area in which smoking is regulated by a local ordinance shall post in an appropriate place in a clear, conspicuous and sufficient manner "No Smoking" signs and, for restaurants, shall also post in a manner conspicuous to ordinary public view at or near each public entrance "No Smoking Section Available" signs.

(2) No person shall smoke in a designated no smoking area. Any person who continues to smoke in such area after being asked to refrain from smoking may be subject to the civil penalty described below. In all cases, the civil penalty shall be payable to the town.

(f) *Violation of section; penalty.* Violation of this section, except for subsection (d)(5) of this section, shall result in a civil penalty of \$25.00 against the violator. Any aggrieved person, including the town, may seek to impose the civil penalty by civil action, which shall be paid to the town.

Secs. 9-85—9-90. - Reserved.

CHAPTER 11

POLICE

ARTICLE III. ALARM SYSTEMS

Sec. 11-44. Penalties for false alarms.

(a) Service charge.

(1) A service charge as prescribed in the Town’s Master Fee Schedule, and that may be amended from time to time, shall be assessed for each incident occurring after five false alarms, within any 30-day period, which results in police response to the alarmed premises, regardless of the cause of the false alarm or malfunction signal. This service charge shall be payable within 30 days of written notification to the subscriber or owner of the alarm system and will be assessed on a quarterly basis. Late payments shall be assessed a penalty as prescribed in the Town’s Master Fee Schedule.

(b) All such fees shall be payable to the treasurer of the town.

9-B

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

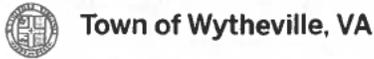
Meeting Date:	November 27, 2023
Subject:	Appointment – Joint Industrial Development Authority of Wythe County

SUMMARY:

The term of Mr. David Kause on the Joint Industrial Development Authority of Wythe County (JIDA) expired November 10, 2023. Mr. Kause is not eligible for reappointment. Please find attached two applications for consideration of appointment to the JIDA. This appointment is for four years, and it will expire November 10, 2027.

Recommended Action

This appointment will require a motion and vote by the Town Council.



07/17/2023

COMM-23-7

Application to Serve on Town Committee or Board

Status: Active

Date Created: Jul 17, 2023

Applicant

Mark Bloomfield

APPLICANT INFORMATION

Full Legal Name

Mark Joseph Bloomfield

Applicant Mailing Street/PO Address

Town or City Mailing Address

Wytheville

State Mailing Address

VA

Zip Code Mailing Address

24382

Applicant Contact Phone Number

Applicant Email Address

Place of Employment or Other

none

The Town Council makes appointments to Boards, Committees, and Commissions. Interested citizens should complete this application. The council will review the applications before an appointment is made. For detailed questions about meeting intervals, dates, and times contact the Town Clerk at 276-223-3349. Here is the list (below) of Boards, Committees, and Commissions.

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 to submit 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.

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?

Joint Industrial Development Authority

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?

NO

If you are already serving on the Board of Zoning Appeals, please contact the Town Clerk. The Code of Virginia prohibits members of the BZA from serving on other boards, aside from one member 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.

Education: attended Bluefield State, Concord and Marietta Colleges and a graduate of YMCA of USA Senior Director's Institute.

Professional background includes serving 20 years as a YMCA Director/CEO.

Created KMB Consultants, Inc. in 1986 to provide management, marketing and software training services to YMCA's nationwide.

Opened the Wytheville area's first Dairy Queen in in 1988.

In 2001, Co-founded NetVentures Corporation with son Kevin Bloomfield which was the nation's second largest cloud-based software provider to YMCAs and JCCs.

2006 co-founder of Bloomfield Partners LLC and 2017 co-founder of Bloomfield Partners Investments LLC.

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.

Previously served on Town Council, NRRWA Board and District III board. Also chaired the Wytheville Industrial Development Authority

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

I am an active member & volunteer St. John's Episcopal Church and currently serves as Sr. Warden and Chair of Finance Committee.

Held officer positions on the Downtown Wytheville Board of Directors including Treasurer and President.

Currently serving as Chairman of the Millwald Theatre Inc. Board of Directors through 2023.

Member of the Wytheville Rotary Club.

Elected to Wytheville Town Council in May 2018.

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 in the Attachments Section of this Application. To access these forms the applicant will be required to download them from the Town Website. Copy and paste this link in a new web browser: <https://www.wytheville.org/docs/general/071922-Town-Committee-Board-Packet-and-Background-Release-Forms.pdf>

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.

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:

Mark Joseph Bloomfield

Click here to add your legally binding digital signature

MArk J. Bloomfield

07/17/2023

Town Council Approval

Date of Issuance

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Attachments

 071922-Town-Committee-Board-Packet-and-Background-Release-Forms Mark Bloomfield.pdf
Uploaded by Mark Bloomfield on Jul 17, 2023 at 4:22 pm

08/04/2023

COMM-23-11

Application to Serve on Town Committee or Board

Status: Active

Date Created: Jul 27, 2023

Applicant

Vicki Parks

APPLICANT INFORMATION

Full Legal Name

Vicki Parks

Applicant Mailing Street/PO Address

.

Town or City Mailing Address

Wytheville

State Mailing Address

Virginia

Zip Code Mailing Address

24382

Applicant Contact Phone Number

.

Applicant Email Address

Applicant Contact Phone Number

.

Place of Employment or Other

WCCH

The Town Council makes appointments to Boards, Committees, and Commissions. Interested citizens should complete this application. The council will review the applications before an appointment is made. For detailed questions about meeting intervals, dates, and times contact the Town Clerk at 276-223-3349. Here is the list (below) of Boards, Committees, and Commissions.

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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.

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?

Joint Industrial Development Authority

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

JIDA or Wytheville Economic Development Authority

Are you currently a member of the Board of Zoning Appeals?

NO

If you are already serving on the Board of Zoning Appeals, please contact the Town Clerk. The Code of Virginia prohibits members of the BZA from serving on other boards, aside from one member 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.

I have 25 years in healthcare and prior to that I worked many years as a CPA preparing audits and taxes for industrial clients. I actively support many of the local nonprofits including Hope Packs, The Millwald, the local United Way, Womens Night Out, Wythe Bland Foundation and Relay for Life.

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.

I have served on Boards in other states. In Virginia I currently serve on the Wythe Bland Foundation and GMEC.

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

I am a detail orientated person and I have good analytical skills, especially when it comes to improving reputation measures or operational performance.

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 in the Attachments Section of this Application. To access these forms the applicant will be required to download them from the Town Website.

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9-C

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	November 27, 2023
Subject:	Appointment – Building Code Appeals Board

SUMMARY:

The term of Mr. William Turner, III, on the Building Code Appeals Board expired July 26, 2023, and he is not eligible for reappointment. Please find attached two applications for consideration for this appointment. This appointment is for a five year term that expires July 26, 2028.

Also, Town staff recently found out that Planning Commission members are not allowed to serve on the Building Code Appeals Board. Currently, the Town has two Planning Commission members, Mr. Brad Litton and David Schmidt, who serve on the Building Code Appeals Board, and these members will need to be replaced. Since there are two applications enclosed, one applicant could be appointed to replace Mr. William Turner, III, and one applicant could replace Mr. David Schmidt. The appointment to replace Mr. Schmidt is for an unexpired term that expires July 26, 2026. This will now leave one full time member vacancy on the Board, and Town staff also desires to appoint two alternate members to the Board. Therefore, we now have a total of three vacancies on the Building Code Appeals Board. If Council is aware of anyone who may desire to serve, please ask them to contact Town Clerk Sherry Corvin.

Recommended Action

These appointments will require a motion and vote by the Town Council.



COMM-23-15

Application to Serve on Town
Committee or Board

Status: Active

Submitted On: 10/16/2023

Primary Location

No location

Applicant

Andy Sayers

APPLICANT INFORMATION

Full Legal Name*

Henry Andrew Sayers Jr

Applicant Mailing Street/PO Address *

Town or City Mailing Address*

State Mailing Address*

Zip Code Mailing Address*

24382

Applicant Contact Phone Number*

Applicant Email Address*

Place of Employment or Other*

Sayers Electric

The Town Council makes appointments to Boards, Committees, and Commissions. Interested citizens should complete this application. The council will review the applications before an appointment is made. For detailed questions about meeting intervals, dates, and times contact the Town Clerk at 276-223-3349. Here is the list (below) of Boards, Committees, and Commissions.

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.

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?*

Building Code Board of Appeals

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?*

NO

If you are already serving on the Board of Zoning Appeals, please contact the Town Clerk. The Code of Virginia prohibits members of the BZA from serving on other boards, aside from one member 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.*

28 Years in the electrical industry - (22 Years industrial & 6 years Commercial and Residential

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.*

N/A

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

Master Electrician

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 in the Attachments Section of this Application. To access these forms the applicant will be required to download them from the Town Website.

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:* 

Andy Sayers

Click here to add your legally binding digital signature*

Andy Sayers
Oct 16, 2023

Attachments



COMM-23-16

Application to Serve on
Town Committee or
Board

Status: Active

Submitted On: 10/19/2023

Primary Location

No location

Applicant

George Sayers



Speedwell, Virginia 24374

APPLICANT INFORMATION

Full Legal Name*

George Landon Lee Sayers

Applicant Mailing Street/PO Address * ?

|

Zip Code Mailing Address* ?

24374

Applicant Contact Phone Number* ?

|

Applicant Email Address* ?

|

Place of Employment or Other* ?

Wythe County Board of Supervisors/
Sayers Heating & Cooling

The Town Council makes appointments to Boards, Committees, and Commissions. Interested citizens should complete this application. The council will review the applications before an appointment is made. For detailed questions about meeting intervals, dates, and times contact the Town Clerk at 276-223-3349. Here is the list (below) of Boards, Committees, and Commissions.

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.

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?*

Building Code Board of Appeals

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?*

NO

If you are already serving on the Board of Zoning Appeals, please contact the Town Clerk. The Code of Virginia prohibits members of the BZA from serving on other boards, aside from one member 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.* ?

I'm the Maintenance Department Head for Wythe County. I'm a Class A Contractor with a Masters in HVAC, Plumbing, Electrical, Gas & Residential Building. I have been working around construction since 2002 both residential and commercial.

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.* ?

Envision Environmental from 2003 to 2018. Wythe County from 2018 to current

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

I'm a Class A Contractor with a Masters in HVAC, Plumbing, Electrical, Gas & Residential Building. I have been working around construction since 2002 both residential and commercial.

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:* ?

George L Sayer

Click here to add your legally binding digital signature*

✓ George Landon Lee Sayers
Oct 19, 2023

Town Council Approval

🔒 Date of Issuance

—

🔒 If appointed. Town Clerk put term expiration date here.

—

Attachments

REQUIRED



Background Report Release Form and Personnel Record Release Form

Applaction.pdf

Uploaded by George Sayers on Oct 19, 2023 at 9:33 PM

11-A

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	November 27, 2023
Subject:	Staff Report(s)

SUMMARY:

Town Manager Freeman will present a Staff Report(s) on various topics.

Recommended Action

No action required at this time.

11-B

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

Meeting Date:	November 27, 2023
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 Tree Advisory Committee will meet on Thursday, December 7, 2023, at 8:30 a.m., in Conference Room A.
2. The Joint Industrial Development Authority of Wythe County will meet on Thursday, December 7, 2023, at 3:00 p.m., here in the Council Chambers.
3. The next regular scheduled meeting of the Wytheville Town Council will be held on Monday, December 11, 2023, at 5:00 p.m., here in the Council Chambers.

12-B

Town of Wytheville

December 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
All meetings are held in the Municipal Building unless otherwise noted.	CALENDAR SUBJECT TO CHANGE				1	2
3	4	5	6	7 8:30 AM-Tree Advisory Committee 3:00 PM- JIDA	8	9
10	11 5:00 PM — Town Council Meeting	12	13	14 6:00 PM-Planning Commission (Canceled)	15	16
17	18 5:30 PM - DTW (DTW Office)	19	20 12:00 PM-Housing Authority (HA Office)	21 10:00 AM — NRRWA (NRRWA Plant)	22 HOLIDAY—TOWN OFFICES CLOSED	23
24	25 5:00 PM — Town Council (Canceled) HOLIDAY— TOWN OFFICES CLOSED	26	27	28	29	30
31						

NOV 17 2023

Dear Mayor Taylor,

November 14, 2023

A few months ago my son-in-law used his chain saw on a long pole to trim off a few tree limbs that hung over the road from my yard. Apparently one of the limbs was cut but stayed caught up in the tree unnoticed. In time it hung downward with big, brown, dead leaves looking very ugly against the lovely green ones. My eighty five year old guy friend wanted to bring it down but couldn't reach it. I gave him a long pole with a hook on the end. He was standing in the mulch trying, unsuccessfully, to "hook" it when the town trash truck went by. The truck went on to the next and last house, turned around and stopped right in front of us. The driver jumped out, came right over, asked if he could help. My friend handed him the pole. With one big swoop the limb was down. As we thanked him he said, "I was afraid you were going to fall!"

All the men (or women) who drive or accompany our trash trucks deserve our heartfelt appreciation.

Sincerely,



Mary Beth Rodgers

Wytheville, VA 24382