



AGENDA

WYTHEVILLE TOWN COUNCIL MEETING

MONDAY, DECEMBER 11, 2023 AT 5:00 PM
MUNICIPAL BUILDING - 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. **INVOCATION** — COUNCILWOMAN CANDICE N. JOHNSON
2. **CALL TO ORDER** — MAYOR BETH A. TAYLOR
3. **ESTABLISHMENT OF QUORUM** — MAYOR BETH A. TAYLOR
4. **PLEDGE OF ALLEGIANCE** - VICE-MAYOR CATHY D. PATTISON
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 Town Council Work Session and the regular meeting of November 27, 2023 (requires motion and vote)
8. **PRESENTATIONS TO TOWN COUNCIL**
 - A.** Presentation by Junior Appalachian Musicians (JAM)
 - B.** Presentation by Building Official Tim Spraker on the proposed amendments to the Building Regulations section of the Town Code
9. **CITIZENS' PERIOD**
10. **PUBLIC HEARINGS, REQUESTS, RESOLUTIONS, COUNCIL DECISIONS**
 - A.** 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, on first and final reading
 1. Staff Report/Presentation by Fire Chief Chris Slemp

2. Consideration by the Town Council to adopt the ordinance on first and final reading **(requires motion and roll call vote)**

B. Ordinance No. 1428, an ordinance establishing a Housing Rehabilitation Zone in the Town of Wytheville, Virginia, on first and final reading

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

2. Consideration by the Town Council to adopt Ordinance No. 1428 on first and final reading **(requires motion and roll call vote)**

C. Consider the request of Virginia Organizing for traffic control to conduct a Martin Luther King, Jr. Day March on Sunday, January 14, 2024

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

2. Consideration by the Town Council to approve the request **(requires motion and vote)**

D. Consider an appointment to the Wytheville Recreation Commission to fill the expiring term of Mr. Michael Mitchell (term expires December 31, 2023)

1. Staff Report/Presentation by Town Manager Brian Freeman

2. Consideration by the Town Council to make an appointment to the Wytheville Recreation Commission (new term expires December 31, 2026) **(requires motion and vote)**

E. Consider the reappointment of Ms. Brittney Litton to the Wytheville Recreation Commission (term expires December 31, 2023)

1. Staff Report/Presentation by Town Manager Brian Freeman

2. Consideration by the Town Council to reappoint Ms. Brittney Litton to the Wytheville Recreation Commission (new term expires December 31, 2026) **(requires motion and vote)**

F. Consider an appointment to the Wytheville Economic Development Authority to fill the expiring term of Ms. Linda Nye (term expires December 12, 2023)

1. Staff Report/Presentation by Town Manager Brian Freeman

2. Consideration by the Town Council to make an appointment to the Wytheville Economic Development Authority (new term expires December 12, 2027) **(requires motion and vote)**

G. Consider the reappointment of Ms. Melissa Crockett to the Wytheville Economic Development Authority (term expires December 12, 2023)

1. Staff Report/Presentation by Town Manager Brian Freeman

2. Consideration by the Town Council to reappoint Ms. Melissa Crockett to the Wytheville Economic Development Authority (new term expires December 12, 2027) **(requires motion and vote)**

H. Consider an appointment to the Wytheville Building Code Appeals Board to fill the unexpired term of Mr. Brad Litton (term expires July 26, 2025) and to appoint two new alternate members to the Board

1. Staff Report/Presentation by Town Manager Brian Freeman

2. Consideration by the Town Council to make an appointment to the Wytheville Building Code Appeals Board to fill the unexpired term of Mr. Brad Litton (new term expires July 26, 2025) and to appoint two new alternate members (new terms expire July 26, 2028) **(requires motion and vote)**

I. Establishment of Real Property Tax Due Date

1. Staff Report/Presentation by Town Manager Brian Freeman

2. Consideration by the Town Council to establish the Real Property Tax due date **(requires motion and roll call vote)**

J. Schedule a Work Session for Monday, January 22, 2024, at 4:00 p.m. to hear a presentation from Virginia Tech students regarding their project in the town

1. Staff Report/Presentation by Town Manager Brian Freeman

2. Consideration by the Town Council to schedule a Work Session for January 22, 2024, at 4:00 p.m. **(requires motion and roll call vote)**

11. NEW BUSINESS

12. REPORTS

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

B. Upcoming Meetings - CHIEF DEPUTY CLERK BRANDI JONES

13. OTHER BUSINESS

A. Council Member Time

B. Miscellaneous

(1) Council Committee Reports; (2) January 2024 Town Council Meeting Calendar; (3) November Building Permit Reports; (4) Other

14. CLOSED MEETING

A. Closed meeting pursuant to § 2.2-3711 (A.) (8.) Consultation with legal counsel regarding specific legal matters (requires motion and vote)

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

15. ADJOURNMENT

7-A



MINUTES
TOWN COUNCIL WORK SESSION
MONDAY, NOVEMBER 27, 2023 AT 4:00 PM
COUNCIL CHAMBERS, 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. UNAPPROVED MINUTES

A. Persons Present:

- Beth A. Taylor - Mayor
Cathy D. Pattison - Vice-Mayor
Holly E. Atkins - Council Member
Gary L. Gillman - Council Member
Candice N. Johnson - Council Member
T. Brian Freeman - Town Manager
Elaine R. Holeton - Assistant Town Manager
Sherry G. Corvin - Town Clerk
Paul Cassell - Interim Town Attorney
Clarence Doyle - Police Officer
Charlie Jones - Downtown Wytheville, Inc. Assistant
Mark Bloomfield
Vicki Parks
Andy Sayers
Landon Sayers
Patricia Austin
Glenda Crockett-Eans

Persons Absent:

None

2. ITEMS TO BE DISCUSSED

A. Approval of Agenda

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

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 Atkins, Councilwoman Johnson, Councilman Gillman, Vice-Mayor Pattison, Mayor Taylor.

B. Meet and Greet Sessions

Mr. Mark Bloomfield - Joint Industrial Development Authority (JIDA)

Mr. Mark Bloomfield attended the meeting to hold a Meet and Greet Session with the Committee to be considered for appointment to the Joint Industrial Development Authority (JIDA). Town Manager Freeman proceeded to ask Mr. Bloomfield a series of questions regarding his personal interests in serving on the JIDA. Mr. Bloomfield stated that he is a long-time Wytheville resident, business owner and volunteer. He noted that he has worked very closely with the JIDA in the past, and that he is very familiar with the procedures of the JIDA and its importance. Discussion continued regarding Mr. Bloomfield's background and his interest in serving on the JIDA. The Committee thanked Mr. Bloomfield for meeting with them.

Recess

A motion was made by Mayor Taylor and seconded by Councilwoman Atkins to recess the Work Session. Mayor Taylor inquired if there was any discussion on the motion, there being none the motion was approved with the following voting results, and there being no opposition: Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilwoman Atkins, Councilman Gillman, Councilwoman Johnson. (4:06 p.m.)

It was the consensus of the Committee to reconvene the Work Session. (4:08 p.m.)

Ms. Vicki Parks - Joint Industrial Development Authority (JIDA)

Ms. Vicki Parks attended the meeting to hold a Meet and Greet Session with the Committee to be considered for appointment to the Joint Industrial Development Authority (JIDA). Town Manager Freeman proceeded to ask her a series of questions regarding her personal interests in serving on the JIDA. Ms. Parks stated that she is, currently, the CEO of the Wythe County Community Hospital. She noted that she started her career in accounting as an accounts payable clerk at a hospital and worked her way up to CEO. Ms. Parks advised that she has not worked with the JIDA of Wythe County, however, she has worked with other Industrial Development Authorities and is familiar with their processes and goals for promoting business. Discussion continued regarding Ms. Parks' background and her interest in serving on the JIDA. The Committee thanked Ms. Parks for meeting with them.

Recess

A motion was made by Councilwoman Atkins and seconded by Vice-Mayor Pattison to recess the Work Session. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results, and there being no opposition: Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilwoman Atkins, Councilman Gillman, Councilwoman Johnson. (4:16 p.m.)

It was the consensus of the Committee to reconvene the Work Session. (4:17 p.m.)

Mr. Andy Sayers - Building Code Appeals Board

Mr. Andy Sayers attended the meeting to hold a Meet and Greet Session with the Committee to be considered for appointment to the Wytheville Building Code Appeals Board. Town Manager Freeman proceeded to ask him a series of questions regarding his personal interests in serving on the Building Code Appeals Board. Mr. Sayers stated that he is an electrician and a business owner. He noted that he has worked in the area for many years and has seen contractors perform jobs that have made him question the safety of their work. Mr. Sayers advised that he would like to help prevent those kinds of things from happening by serving on this board. Discussion continued regarding Mr. Sayers' background and his interest in serving on the Building Code Appeals Board. The Committee thanked Mr. Sayers for meeting with them.

Recess

A motion was made by Councilwoman Johnson and seconded by Councilwoman Atkins to recess the Work Session. Mayor Taylor inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results, and there being no opposition: Voting Yea: Mayor Taylor, Vice-Mayor Pattison, Councilwoman Atkins, Councilman Gillman, Councilwoman Johnson. (4:29 p.m.)

It was the consensus of the Committee to reconvene the Work Session. (4:32 p.m.)

Mr. Landon Sayers - Building Code Appeals Board

Mr. Landon Sayers attended the meeting to hold a Meet and Greet Session with the Committee to be considered for appointment to the Building Code Appeals Board. Town Manager Freeman proceeded to ask him a series of questions regarding his personal interests in serving on the Building Code Appeals Board. Mr. Sayers stated that he is over the building and grounds maintenance for Wythe County, owns his own business and has worked in construction for around 20 years. He noted that he is aware that there are people performing contractor work without the proper licensing, and by serving on this board, he would like to help keep licensed contractors in work in the area. Mr. Sayers stated that he feels as if his background as a licensed contractor, electrician, etc. will help him serve on this board. Discussion continued regarding Mr. Sayers' background and interest in serving on the Building Code Appeals Board. The Committee thanked Mr. Sayers for meeting with them.

There being no further business, the Work Session was adjourned. (4:38 p.m.)

T. Brian Freeman, Town Manager

Sharon G. Corvin, CMC, Town Clerk



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

1. UNAPPROVED MINUTES

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None

OTHERS PRESENT:

Town Manager Brian Freeman, Assistant Town Manager Elaine Holeyton, Town Clerk Sherry Corvin, Interim Town Attorney Paul Cassell, Computer Operations Manager Ron Jude, Police Officer Clarence Doyle, Police Officer Cavin Newman, Downtown Wytheville, Incorporated Administrative and Events Coordinator Charlie Jones, Patricia Austin, Glenda Crockett-Eans

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 Councilwoman Atkins.

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 remove the Closed Meeting. 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: Councilman Gary Gillman, Vice-Mayor Cathy Pattison, Mayor Beth Taylor, Councilwoman Holly Atkins, Councilwoman Candice Johnson.

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

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

7. RE: CONSENT AGENDA

Mayor Taylor presented the consent agenda consisting of the minutes of the regular Town Council meeting of November 13, 2023. She inquired if there was a motion to approve the minutes of the regular Town Council meeting of November 13, 2023, as presented.

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

8. RE: CITIZENS' PERIOD

Mayor Taylor advised that the next agenda item is Citizens' Period. She noted that there were no citizens listed on the sign-in sheet who stated that they wished to address the Council during Citizens' Period, therefore, she would proceed with the agenda.

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

A. RE: ORDINANCE NO. 1427

Mayor Taylor advised that the next agenda item is the review of 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. Mayor Taylor stated that Fire Chief Chris Slemp would now give a presentation to the Council regarding the draft ordinance.

Fire Chief Chris Slemp stated that he would like to thank the Town Council on behalf of the Wytheville Fire and Rescue Department for the holiday bonuses. He noted that he has never worked for a municipality where he received a bonus, and the bonuses were greatly appreciated. Chief Slemp commented that he would not go into great detail about the draft ordinance like he did at the last Council meeting, however, he would update the Council about the discussion held at the end of the meeting regarding the Town being permitted to enforce a burn ban. He explained the changes made to the draft ordinance for the section to adhere to the Virginia Code, and, so the Town could enforce a burn ban. Chief Slemp stated that since Wythe County placed a burn ban in effect for the county, the Wytheville Fire and Rescue Department has responded to three illegal burn calls. He noted that two of the calls were located in the county, but the County authorities handled the offenders, however, the third call was located in the town and is a repeat offender. Chief Slemp advised that Town Clerk Corvin put the draft into ordinance form. He stated that he greatly appreciates Town Clerk Corvin for her assistance with the ordinance. Chief

Slemp commented that he would like to remind the Council that if any of the Council members would like to meet with him, individually, to discuss the draft ordinance in more detail, he would be glad to do so because he thinks at the next Town Council meeting, the ordinance will be on the agenda for the Council to take action, if they feel comfortable with doing so. He inquired of the Council if anyone had any questions that he could answer at this time. Councilwoman Atkins inquired of Chief Slemp regarding repeat offenders of the burn ban and what steps are taken to address the issue. Chief Slemp discussed some of the issues with the Town's repeat burning offenders. Mayor Taylor inquired if there were any further questions or comments for Chief Slemp. There being none, Mayor Taylor proceeded with the agenda.

B. 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). Town Clerk Corvin explained that there are two applications before the Council for consideration of appointment to the JIDA. A motion was made by Councilwoman Johnson and seconded by Councilwoman Atkins to appoint Ms. Vicki Parks to the Joint Industrial Development Authority of Wythe County for a four-year term, which expires November 10, 2027. Mayor Taylor inquired if there was any discussion on the motion. Discussion was held regarding Ms. Vicki Parks and why she would or would not be the best applicant to be appointed to the JIDA, and it was noted that the JIDA, currently, has a Wythe County Community Hospital representative on their Board and discussed whether or not it would be a conflict of interest. Interim Town Attorney Cassell discussed this matter with the Council. Mayor Taylor inquired if there was any further discussion. 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: APPOINTMENT - BUILDING CODE APPEALS BOARD

Mayor Taylor advised that the next item on the agenda is to 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). Town Clerk Corvin stated that there are two applications before the Council for consideration for appointment to the Building Code Appeals Board.

A motion was made by Councilwoman Johnson and seconded by Councilman Gillman to appoint Mr. Landon Sayers to fill the expired term of William Turner, III for a five-year term to the Building Code Appeals Board (term expires July 26, 2028), and to appoint Mr. Andy Sayers to fill the unexpired term of Mr. David Schmidt (term expires July 26, 2026). Mayor Taylor inquired if there was any discussion on the motion. Councilwoman Johnson advised that she feels as if both of these candidates are qualified. Councilwoman Atkins stated that she would like to say that she enjoyed the meet and greet sessions that were held with the candidates prior to the Council meeting. There being no further discussion, 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.

10. RE: NEW BUSINESS

Mayor Taylor advised that the next item on the agenda is New Business. She inquired if there was any new business to come before the Town Council. There being none, she proceeded with the agenda.

11. RE: REPORTS

A. RE: STAFF REPORT(S)

Town Manager Freeman presented his Staff Report, as follows:

2023 CHRISTMAS CELEBRATION: Town Manager Freeman stated that on December 2, Downtown Wytheville, Incorporated and their Planning Committee discussed their Christmas celebration called “A Christmas Melody.” He noted that it is a daylong event starting at 10:00 a.m., at the Heritage Preservation Center with several other events going on throughout the day in Withers Park. Town Manager Freeman advised that the tree lighting ceremony will begin at 5:30 p.m. in Withers Park.

ANNUAL MASTER FEE SCHEDULE REVIEW: Town Manager Freeman stated that the annual review of the Master Fee Schedule will begin around January of next year. He noted that in December, he will be asking Department Heads to review the fees of their department. Town Manager Freeman advised that water and sewer rates will need to be looked at again very closely. He commented that this will become an annual review that will kickoff the budgeting process.

CAPITAL IMPROVEMENTS: Town Manager Freeman stated that within the next month, Department Heads will be submitting their Capital Improvements requests and revisions. He advised that this document will be reviewed every year and it projects five years for all capital needs.

B. RE: UPCOMING MEETINGS

Town Clerk Corvin presented the upcoming meetings, as follows:

1. The Tree Advisory Committee will meet on Thursday, December 7, 2023, at 8:30 a.m., in Conference Room A of the Municipal Building.

2. The Joint Industrial Development of Authority of Wythe County will meet on Thursday, December 7, 2023, at 3:00 p.m., 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., in the Council Chambers.

12. RE: OTHER BUSINESS

A. RE: COUNCIL MEMBER TIME

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

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 inquired about the trash becoming a problem again near Wythe-Grayson Regional Library. Town Manager Freeman stated that he would check on this matter.

Councilwoman Atkins inquired if installing tv's displaying Town information in the breakrooms of Town buildings could be looked at again. She stated that she has discussed this matter with Staff and Council previously. Town Manager Freeman stated that he will look into this matter again.

Mayor Taylor inquired if Councilwoman Johnson had anything to discuss during Council Member Time. Councilwoman Johnson inquired about employee recognition being placed on the Town website. She noted that she had inquired about this at a previous meeting, and that she would like Town departments to have the ability to recognize their employees. A brief discussion was held regarding the process of how to recognize the Town employees on the Town website. Town Manager Freeman stated that he will check on this matter.

Councilwoman Johnson inquired about the procedure for participating with the Town Council in the Christmas Parade. Mayor Taylor advised that the Council is invited to participate in the tree lighting at Withers Park and that there is an option for the Town Council to ride in a horse drawn carriage in the Christmas Parade after the tree lighting.

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

Town Manager Freeman stated that he would like to announce that the Haller-Giboney Rock House Museum will hold their open house on Friday, December 1, 2023, from 5:00 p.m. to 7:00 p.m. and admission is free with light refreshments.

13. RE: ADJOURNMENT

There being no further business to be discussed a motion was made, seconded and carried to adjourn the meeting. (5:36 p.m.)

Beth A. Taylor, Mayor

Sharon G. Corvin, CMC, Town Clerk

8-A

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

| | |
|----------------------|---|
| Meeting Date: | December 11, 2023 |
| Subject: | Junior Appalachian Musicians (JAM) Presentation |

SUMMARY:

Ms. Debbie Moody from the Wytheville Department of Museums and participants from the Junior Appalachian Musicians (JAM) will be attending the meeting to provide a short musical presentation to the Town Council.

Recommended Action

No action needed.

8-B

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

| | |
|----------------------|---|
| Meeting Date: | December 11, 2023 |
| Subject: | Presentation regarding Proposed Changes to the Building Regulations |

SUMMARY:

Building Official Tim Spraker will attend the Town Council meeting to present proposed amendments to the Building Regulations section of the Town Code.

Recommended Action

No action needed at this time.

Chapter 4. Building Regulations

Wytheville Town Code Amendment

Town of Wytheville
December 11, 2023

Overview

- The purpose of this presentation is to provide an overview of the staff recommendation for the repeal and replacement of Chapter 4. of the Town Code. Chapter 4 relates to the Building Office.
- In January of 2023 a subcommittee was formed to evaluate Chapter 4. Building Regulations, of the Wytheville Town Code. Since that time, staff has met monthly on the revisions. The Town Attorney has been involved in the last three meetings and assisted with the proposed revisions to the chapter.
- The original date of Chapter 4. was 1967. Much of the Chapter was added in 1987. At that time, the town was organized differently, and some items in this chapter are outdated/ do not currently relate to the Building Office.
- Since the 1980's the chapter has seen little revision.
- The purpose for Chapter 4. is to enumerate the role of the Building Office, and to address the administration and the enforcement of the Virginia Uniform Statewide Building Code (and related codes). Derelict and Unsafe Structures are also covered in this section due to their relationship to the Building Office and to ensure safe buildings and structures in Town.

Changes – Removed Items

- Removed redundancy in the document. Trades (electrical, plumbing, hvac) are covered under the Uniform Statewide Building Code and do not need to be referenced as separate sections.
- Fire Districts. Not used in Town and are not relevant to this Chapter.
- Removed Backflow Section. Backflow requirements are already part of traditional building code requirements for plumbing code. Backflow requirements outside of the structure need to be handled in town sewer standards.
- Removed paving on private property. Paving requirements cannot be enforced by the Building Official, must occur through zoning or engineering standards or stormwater regulations.
- Removed section on tents. Not enabled through building requirements. Will be handled through zoning.

Changes- Added/Updated Items

- Added information on the Building Code of Appeals.
- References the Town Master Fee Schedule, ability to amend fees.
- Outlines the ability to use third party inspections when needed.
- Updated to Virginia's misdemeanor penalty. Fine from \$1,000 to \$2,500.
- Adoption of all Virginia Building Codes by specific reference, including International Codes where referenced.
- References the building office's authority to enforce Town Codes at the discretion of the Town Manager.
- Updated to be more concise. Chapter went from 16 pages to 11 pages.
- Allows for efficient enforcement. Updated Derelict Section and Unsafe Structure Section for efficient enforcement and to ensure alignment with State Codes.

Next Steps

- Please review the proposed changes.
- Questions or concerns can be directed to Tim Spraker, Building Official at timothy.spraker@wytheville.org or by calling 276-223-3339
- Second Review. Town Council Meeting on January 8th, 2024
- Third Review and Potential Adoption. Town Council Meeting on January 22nd
- Thank you.

CHAPTER 4
BUILDING REGULATIONS
ARTICLE I. IN GENERAL

Sec. 4.1. Office of Building Official established. General powers and duties of the Building Official.

(a) The Office of the Building Official for the Town of Wytheville is hereby established. The Building Official shall be appointed by the Town Manager and shall have the powers to perform such duties as may be provided by state law for municipal building inspectors and officials. The Building Official shall administer and enforce the provisions of this chapter and any other chapters of this Code and other ordinances which, by their terms, are subject to the Building Official's administrative and enforcement responsibility or authority.

(b) When referenced in this Article, the Building Official shall also mean the Building Inspector, Permit Technician and/or other appointed persons, who are delegated with the authority on behalf of the Town Manager to administer and enforce the provisions of this article in accordance with the guidelines established by the Virginia Department of Health and Community Development.

(c) The Building Official shall maintain records for the office. When required, the records shall be held for the required timeframe as established by the Library of Virginia. Records may include, but not be limited, to:

- (1) Applications, maps, drawings, and other papers submitted to the Building Official;
- (2) Permits and certificates issued;
- (3) Notices and orders given;
- (4) Decisions made and actions taken;
- (5) Appeals; and,
- (6) All other papers, correspondence, records and other matters pertaining to the office of the Building Official.

Sec. 4-2. Nonliability of personnel enforcing chapter.

Nothing in this chapter or in any code adopted by this chapter shall be construed as imposing upon any town officer or employee duly authorized to administer or enforce the provisions of this chapter any liability or responsibility for damages to any person who may be injured by a defect in any building construction or other work mentioned herein, or by the installation thereof, nor shall the town government or any official or employee thereof be held as assuming any such liability or responsibility by reason of inspections authorized by this chapter or certificates of approval issued by the Building Official.

Sec. 4-3. Local Board of Building Code Appeals.

(a) There is hereby created a Local Board of Building Code Appeals (LBBCA), which shall consist of five (5) members, appointed by the Town Council. The membership of the board shall be established in compliance with the requirements of the current edition of the Virginia Uniform Statewide Building Code. Individuals who wish to serve on the LBBCA shall submit an application by using the townwide process for receiving applications. At the discretion of the

Town Council, applicants may be required to perform a criminal background check to be considered for appointment.

(b) The code official, technical assistants, inspectors or other employees, including those serving on any Town committee, shall not serve as members on the Local Board of Building Code Appeals.

(c) The Town Council may appoint alternate members who, when needed, shall be called by the board chair to hear appeals during the absence or disqualification of a member. Alternate members shall possess the same qualifications as required for board members.

(d) Board members shall be selected by the locality on their ability to render fair and competent decisions regarding the application, interpretation and enforcement of the building codes adopted by the locality, and shall, to the extent possible, represent different occupational and professional fields relating to the construction industry. Town of Wytheville citizens shall have preference for appointment when all other variables are equal.

Sec. 4-4. Adoption of Virginia Uniform Statewide Building Code, where filed.

(a) For the purpose of ensuring public safety, health and welfare, insofar as they are affected by building construction, and to ensure public safety, health and welfare through proper use and continued compliance with minimum standards of building construction, energy conservation, water conservation and physically handicapped and aged accessibility, and in general, to secure safety to life and property from all hazards incidental to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises that pertain to the regulations the Town Council hereby adopts the Virginia Uniform Statewide Building Code, Part I, Virginia Construction Code, and Part II, Virginia Existing Building Code. All future editions of the Virginia Uniform Statewide Building Code and all amendments thereto are hereby automatically adopted and incorporated into the Town Code. Such Code shall control all matters concerning the construction, alteration, repair, maintenance, removal, demolition, equipment, use and occupancy of all buildings and structures within the town. Such code is hereby incorporated in and made a part of this section as fully as if set out at length herein and the provisions thereof shall be applicable throughout the town. One (1) copy of such code shall remain on file in the Office of the Building Official.

(b) For the purpose of ensuring public safety, health and welfare, insofar as they are affected by building construction, to ensure public safety, health and welfare through proper building maintenance, repair, use and continued compliance with minimum standards of building construction, energy conservation, water conservation and physically handicapped and aged accessibility, certain regulations known as the Virginia Uniform Statewide Building Code, Part I, Virginia Construction Code and Part III, Virginia Maintenance Code of existing Structures, Existing Structures, of the International Building Code, the International Property Maintenance Code, the International Residential Code and all of the codes and standards referenced therein, copies of which are on file in the Office of the Building Official, are hereby adopted by the Town Council and incorporated as fully as if set out at length herein, and shall be controlling within the corporate limits of the town. Future amendments to the sections of the Virginia Uniform Statewide Building Code, the International Building Code, the International Property Maintenance Code, the International Residential Code and the codes and standards referenced therein are also incorporated by reference herein.

(c) The Town of Wytheville, in accordance with the provisions outlined in Part III of the Virginia Uniform Statewide Building Code, elects to apply the provisions of the maintenance of existing structures to industrialized buildings (§ 36-81) and manufactured homes (§ 36-85.11). All future editions of the Virginia Uniform Statewide Building Code and all amendments as

referenced in this section are hereby automatically adopted and incorporated into the Town Code.

Sec. 4.5. Procedure for Amendment.

The code adopted by this section shall be automatically amended each time an amendment to such code is adopted by the Virginia Board of Housing and Community Development. At such a time that the codes are amended by this statewide action, no formal action is required by the Town Council to automatically amend future revisions of the referenced codes.

Sec. 4-6. Enforcement.

(a) Whenever the Building Official, or his or her designee, discovers construction which is not in conformance with the provisions of the Uniform Statewide Building Code, he or she may order all related construction halted until the nonconforming portion is brought into conformance. No occupancy permits shall be issued for buildings built after the adoption of such code which are not in conformance therewith or which do not conform to other applicable provisions of this Code.

(b) The Building Official, or his or her designee, shall investigate any alleged violations or complaints of existing structures, occupied or not, under the provisions of the Virginia Maintenance Code.

Sec. 4-7. Violations.

(a) It shall be unlawful for any owner or any other person, firm or corporation to violate any provision of this chapter. Any violation shall be deemed a misdemeanor and any owner, or any other person, firm or corporation convicted of a violation shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00). If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six (6) months of the date of conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person convicted of a second offense committed within less than five (5) years after a first offense under this chapter shall be punished by a fine of not less than one thousand dollars (\$1,000.00) nor more than two thousand five hundred dollars (\$2,500.00). Any person convicted of a second offense committed within a period of five (5) to ten (10) years of a first offense under this chapter shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than two thousand five hundred dollars (\$2,500.00). Any person convicted of a third or subsequent offense involving the same property committed within ten (10) years of an offense under this chapter shall be punished by confinement in jail for not more than ten (10) days and a fine of not less than two thousand five hundred dollars (\$2,500.00) nor more than five thousand dollars (\$5,000.00), either or both. No portion of the fine imposed for such third or subsequent offense committed within ten (10) years of an offense under this chapter shall be suspended.

(b) Any prosecution under this section shall be commenced within two (2) years as provided in Virginia Code § 19.2-8.

Sec. 4-8. Application for a Permit and Issuance of Permit.

(a) As required by the building codes in effect, a permit is required prior to the beginning of work for any new construction and/or for any other building operations, and installations as specified in the related codes and ordinances.

(b) The filing of a permit application shall be made in the manner prescribed by the Office of the Building Official. The Building Official or his or her designee will review the application and any related plan sets. When it is determined by the Building Official that the application requirements as it relates to each code provision have been met, and when the fee has been paid by the applicant, a permit will be issued.

(c) Building permit fees shall be established in the Town’s Master Fee Schedule, which is subject to amendments and adjustments at the discretion of the Town Council.

(d) A fee levy is required by the Virginia Board of Housing and Community Development. This fee shall be applied, and the Town shall collect and remit quarterly payments to the Department of Housing and Community Development. This fee levy shall be used to support training programs of the Virginia Building Code Academy.

Sec. 4-9. Prerequisites to obtaining building permits.

Any person who applies for a permit, in accordance with this Article, shall furnish prior to the issuance of the permit, either (i) satisfactory proof to such official or authority that he is duly licensed or certified under the terms of Title 54.1-1111 of the Code of Virginia to carry out or superintend the same, or (ii) file a written statement that he is not subject to licensure or certification as a contractor or subcontractor pursuant to this chapter.

The applicant shall furnish satisfactory proof to the Town that the taxes or license fees required by any county, city or town have been paid so as to be qualified to bid upon or contract for the work for which the permit has been applied.

Sec. 4.10. Assuming a job started by another.

Any contractor, tradesman or homeowner taking a job which has been started by another shall apply for a new permit for such work and shall be responsible for the entire work.

Sec. 4.11. Third party policy.

The Building Official may accept reports from an approved person, agency or third party to certify that the construction documents or inspections meet the requirements of the current edition of the Virginia Uniform Statewide Building Code, related codes and town ordinances. The Building Official may establish requirements for third party inspections or reports to satisfy the intent of this Article in the administration and enforcement of building codes and ordinances.

Sec. 4-12 – Sec. 4-20. Reserved.

ARTICLE II. UNSAFE STRUCTURES

Sec. 4-21. Authority to require removal, repair, etc., of buildings and other structures.

(a) The owners of property within the Town of Wytheville shall remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the Town.

(b) If the owner and/or lienholder of any property identified in paragraph (a) of this section, after reasonable notice and a reasonable time to do so, has failed to remove, repair, or secure the building, wall or other structure, the Town through its own agents or employees may remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the town. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent

buildings. For purposes of this section, reasonable notice includes a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published once a week for two successive weeks in a newspaper having general circulation in the town. No action shall be taken by the Town to remove, repair or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the Town may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice.

(c) In the event that the Town, through its own agents or employees, removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this section or as otherwise permitted under the Virginia Uniform Statewide Building Code in the event of an emergency, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the Town as taxes are collected.

(d) Every charge authorized by this section or by VA Code § 15.2-900 with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in VA Code Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. The Town may waive such liens in order to facilitate the sale of the property. Such liens may be waived only to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(e) Notwithstanding the foregoing, with the written consent of the property owner, the Town may, through its agents or employees, demolish or remove a derelict nonresidential building or structure provided that such building or structure is neither located within or determined to be a contributing property within a state or local historic district nor individually designated in the Virginia Landmarks Register. The property owner's written consent shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust or mortgage and, if so, shall document the property owner's best reasonable efforts to obtain the consent of the first lienholder or the first lienholder's authorized agent. The costs of such demolition or removal shall constitute a lien against such property. In the event the consent of the first lienholder or the first lienholder's authorized agent is obtained, such lien shall rank on a parity with liens for unpaid local taxes and be enforceable in the same manner as provided in paragraph (d) of this section. In the event the consent of the first lienholder or the first lienholder's authorized agent is not obtained, such lien shall be subordinate to that first lien but shall otherwise be subject to paragraph (d); and,

(f) In addition to the remedies previously described in this section, the Town of Wytheville hereby authorizes imposition of a civil penalty not to exceed \$1,000.00 upon any owners of property who fail to comply with the provisions of this section.

Sec. 4-22 through 4-30. Reserved.

ARTICLE III. DERELICT STRUCTURES

Sec. 4-31. Purpose of the Derelict Building Ordinance

The purpose of the derelict building ordinance is to protect the health, safety and welfare of the community by encouraging the repair or removal of buildings and structures that have been deemed unsafe.

Sec. 4-32. 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:

Building Official means the Town Building Official or the designee and may be referenced as the Official.

Derelict Building means a residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety or welfare, and for a continuous period in excess of six months has been:

- (1) Vacant;
- (2) Boarded up in accordance with the Building Code; and,
- (3) Not lawfully connected to electric service from a utility service provider, or not lawfully connected to any water or sewer service from a utility service provider.

Building means a combination of materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons or property. The word "building" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. "Building" shall not include roadway tunnels and bridges owned by the Virginia Department of Transportation, which shall be governed by construction and design standards approved by the Virginia Commonwealth Transportation Board.

Property Owner means the persons or entity(s) listed on the Real Estate Tax Assessment Record on file at the Wythe County Commissioner of the Revenue Office and/or the person legally in possession of the real estate.

Real Estate Tax Abatement Program means the program as identified in Section 4-37 of this section.

Structure means an assembly of materials forming a construction for occupancy or use including stadiums, gospel and circus tents, reviewing stands, platforms, stages, observation towers, radio towers, water tanks, storage tanks (underground and aboveground), trestles, piers, wharves, swimming pools, amusement devices, storage bins and other structures of this general nature but excluding water wells. The word "structure" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. "Structure" shall not include roadway tunnels and bridges owned by the Virginia Department of Transportation, which shall be governed by construction and design standards approved by the Virginia Commonwealth Transportation Board.

Vacant means not occupied.

Work Plan Form means the form provided by the Building Official and completed by the owner of the subject building. The completed work plan form shall be submitted back to the Building Official, within ninety (90) days of receiving a *Written Notice of Derelict Building*, by the Building Official. The form shall specifically list the proposed actions of the property owner to

either demolish or renovate the building to address the items that endanger the public's health, safety or welfare as listed in the *Written Notice of Derelict Building*. The plan shall list the proposed time within which the work plan will be commenced and completed by the Property Owner. The work plan shall be subject to approval by the Building Official, and any required corrections to the work plan must be re-submitted within the original ninety (90) day timeframe.

Written Notice of Derelict Building means the notification that the *Building Official* sends to the property owner, notifying the property owner that the listed building(s) on the notice has been deemed a *Derelict Building* as defined in this section. The notice shall specify the elements of the building that endanger the public's health, safety, or welfare, and be accompanied by a *Work Plan Form*, along with instructions for returning the form back to the *Building Official* within the specified ninety-day timeframe. The *Written Notice of Derelict Building* may be referred to as the Notice.

Sec. 4-33. Enforcement.

The Building Official is hereby granted the authority to enforce the provisions of this section and the Building Official shall have the authority to require the abatement of derelict buildings pursuant to the provisions of this Article and/or any other applicable code, law and/or regulation. In the absence of the Building Official, the Town Manager may assign other people to fill this role.

Sec. 4-34. Written Notice of Derelict Building or Structure.

(a) Whenever it shall come to the knowledge of the Building Official that there exists upon land in the town any derelict building, the Building Official may issue a *Written Notice of Derelict Building* as defined in this section. The notice shall be sent to the property owner, with a prescribed *Work Plan Form*, which must be completed by the owner of the property, returned back to the Building Official within ninety (90) days of receiving the notice and which shall meet the provisions as provided in the definition for *Work Plan*.

(b) The *Written Notice of Derelict Building* shall be sent by first class mail, with the locality obtaining a U.S. Postal Service Certificate of Mailing, which shall constitute delivery pursuant to this section. The notice shall be sent to the property owner(s) address as listed on the real estate tax assessment records of the locality.

(c) Nothing in this article shall prohibit an owner from requesting that a building or structure be evaluated for a declaration of derelict building. A property owner may apply to the locality and specifically request that such building be declared a derelict building for the purpose of this section.

Sec. 4-35. Submittal of work plan by owner; approval by Building Official.

(a) The work plan required to be submitted by the owner shall be on a form prescribed by the Building Official. The work plan must provide a proposed time within which the plan must be commenced and completed. The work plan may include one or more adjacent properties of the owner, whether or not all have been declared to contain a derelict building. The contents of the plan and the proposed schedule shall be subject to approval by the Building Official and shall be deemed noncompliant until such plan is approved.

(b) Once the Building Official approves the work plan, the contents of the work plan and the schedule for commencement and completion of the work plan shall be binding on the owner.

(c) Any approval granted by the Building Official under this section shall not relieve the property owner from following all other town codes, laws, and ordinances.

(d) Upon receipt of the work plan by the Building Official, the property owner can request a meeting with the Building Official to discuss land use and permitting requirements for demolition or renovation. The Building Official shall provide guidance, to the best of their ability, on how to properly permit the work and any known town-related processes to assist the landowner with successfully completing the work.

Sec. 4-36. Work plan Completion; Permit Fees; Expedited Permits.

(a) If the property owner's work plan is to demolish the derelict building, the building permit application or demolition permit application of such owner shall be expedited. If the owner completes the demolition within ninety (90) days of the date of the building/demolition permit issuance, the Town shall refund any building and demolition permit fees.

(b) If the property owner's work plan is to renovate the derelict building, and no rezoning is required for the owner's intended use of the property, the site plan or subdivision application and the building permit, as applicable, shall be expedited. The expedition of the permits is intended to assist the property owner with completing the required renovations in a timely manner. For any Town permits associated with renovating a derelict structure the town must reduce all permit fees to 50% of the standard cost for the permits. The Town may not charge permit fees that exceed \$5,000 per property. At the request of the property owner and with the approval of the Town Manager, permit fees for a renovation of a derelict structure may be refunded if the applicant shows with just cause that they fully renovated the structure in a safe, harmonious, and timely way.

Sec. 4-37. Real Estate Tax Abatement Program.

(a) Prior to commencement of an approved work plan to demolish or renovate a derelict building, the property owner may request that the Real Estate Assessor, make an assessment of the derelict building. The Real Estate Assessor shall make an assessment of the property in its current derelict condition and provide a copy to both the Building Official and the Property Owner.

(b) To participate in the Real Estate Tax Abatement Program, the property owner must first make the request for real estate assessment as listed above, and shall also declare the costs of demolition, or in the case of renovation, shall declare the costs of materials and labor to complete the renovation and these costs shall be listed on the building permit application.

(c) At the request of the property owner, after demolition or renovation of the derelict building, the real estate assessor shall reflect the fair market value of the demolition costs or the fair market value of the renovation improvements and reflect such value in the real estate tax assessment records. The real estate tax on an amount equal to the costs of demolition or an amount equal to the increase in the fair market value of renovations shall be abated for a period of not less than 15 years and is transferable with the property.

(d) Notwithstanding the provisions of this section, the tax abatement process is not available for any property which either is a registered state landmark or is determined by the state department of historic resources to contribute to the significance of a registered historic district.

Sec. 4-38. Additional Remedies of the Town.

Notwithstanding the provisions of this section, the Town may proceed to make repairs, and secure the building under the enabling statutes of Code of Virginia § 15.2-906, or the Town may proceed to abate or remove a nuisance under the enabling statute of Code of Virginia 15.2-900. In addition, the locality may exercise such remedies as may exist under the Uniform

Statewide Building Code and may exercise such other remedies available under general and special law.

Sec. 4-39. Violations.

At such time after the written notice of derelict building has been sent, and the Building Official has determined that the property owner has not properly submitted the work plan, and/or after receiving any correction notices in regards to the work plan, the property owner has not submitted a work plan that is approvable by the Building Official, and/or the property owner fails to submit an approvable work plan within the ninety (90) day timeline as prescribed by this section, the property owner is considered to be in violation of this ordinance and the locality may exercise such remedies as prescribed in this section or as otherwise provided by law; for residential property, such remedy shall include imposition of a civil penalty of \$500 per month until such time as the owner has submitted a plan in accordance with this section; however, the total civil penalty imposed shall not exceed the cost to demolish the derelict building. Any such civil penalty shall be paid to the Treasury of the Town.

Secs. 4-40 through 4-50. Reserved.

10-A

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

| | |
|----------------------|---|
| Meeting Date: | December 11, 2023 |
| Subject: | Ordinance No. 1427 – Fire Code Amendments |

SUMMARY:

Please find attached Ordinance No. 1427, the ordinance that repeals and replaces Chapter 6, Fire Prevention and Protection, and various other sections of the Town Code regarding fire code regulations. As the Council will recall, Fire Chief Chris Slep has attended the last two Town Council meetings to discuss these revisions. This ordinance, if adopted, will make these proposed amendments effective in the Town Code. This ordinance is before the Town Council on first and final reading.

Recommended Action

Town staff would recommend that this ordinance be adopted on first and final reading, and this will require a motion and roll call vote by the Town Council.

ORDINANCE NO. 1427

At a regular meeting of the Town Council of the Town of Wytheville, Virginia, held in the Council Chambers on the 11th day of December, 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 SYSTEMS, 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 9-76. 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, 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.

10-B

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

| | |
|----------------------|--|
| Meeting Date: | December 11, 2023 |
| Subject: | Ordinance No. 1428 – Housing Rehabilitation Zone |

SUMMARY:

Please find attached Ordinance No. 1428, an ordinance establishing a Housing Rehabilitation Zone in the Town of Wytheville. As the Council will recall, Assistant Town Manager Holeton previously reviewed this program with the Town Council, and now the ordinance is before the Town Council for consideration that would make the Housing Rehabilitation Zone effective. The ordinance is before the Town Council on first and final reading.

Recommended Action

Town staff would recommend that this ordinance be adopted on first and final reading, and this will require a motion and roll call vote by the Town Council.

ORDINANCE NO. 1428

At a regular meeting of the Town Council of the Town of Wytheville, Virginia, held in the Council Chambers on the 11th day of December, 2023, at 5:00 p.m.

Present:

Absent:

**AN ORDINANCE ESTABLISHING
A HOUSING REHABILITATION ZONE
IN THE TOWN OF WYTHEVILLE, VIRGINIA**

BE IT ORDAINED by the Town Council of the Town of Wytheville, Virginia, that this ordinance hereby establishes a Housing Rehabilitation Zone in the Town of Wytheville, Virginia. The boundary of the Housing Rehabilitation Zone is established as indicated on the attached Housing Rehabilitation Zone Map with selected properties as noted. The provisions and administration of the Housing Rehabilitation Zone are as provided in the attached regulations and shall be administered by the Town Manager or his/her designee. The Housing Rehabilitation Zone Map and the regulations may be amended by ordinance from time to time as deemed necessary by the Town Council.



Town of Wytheville Virginia

Rehabilitation Zones

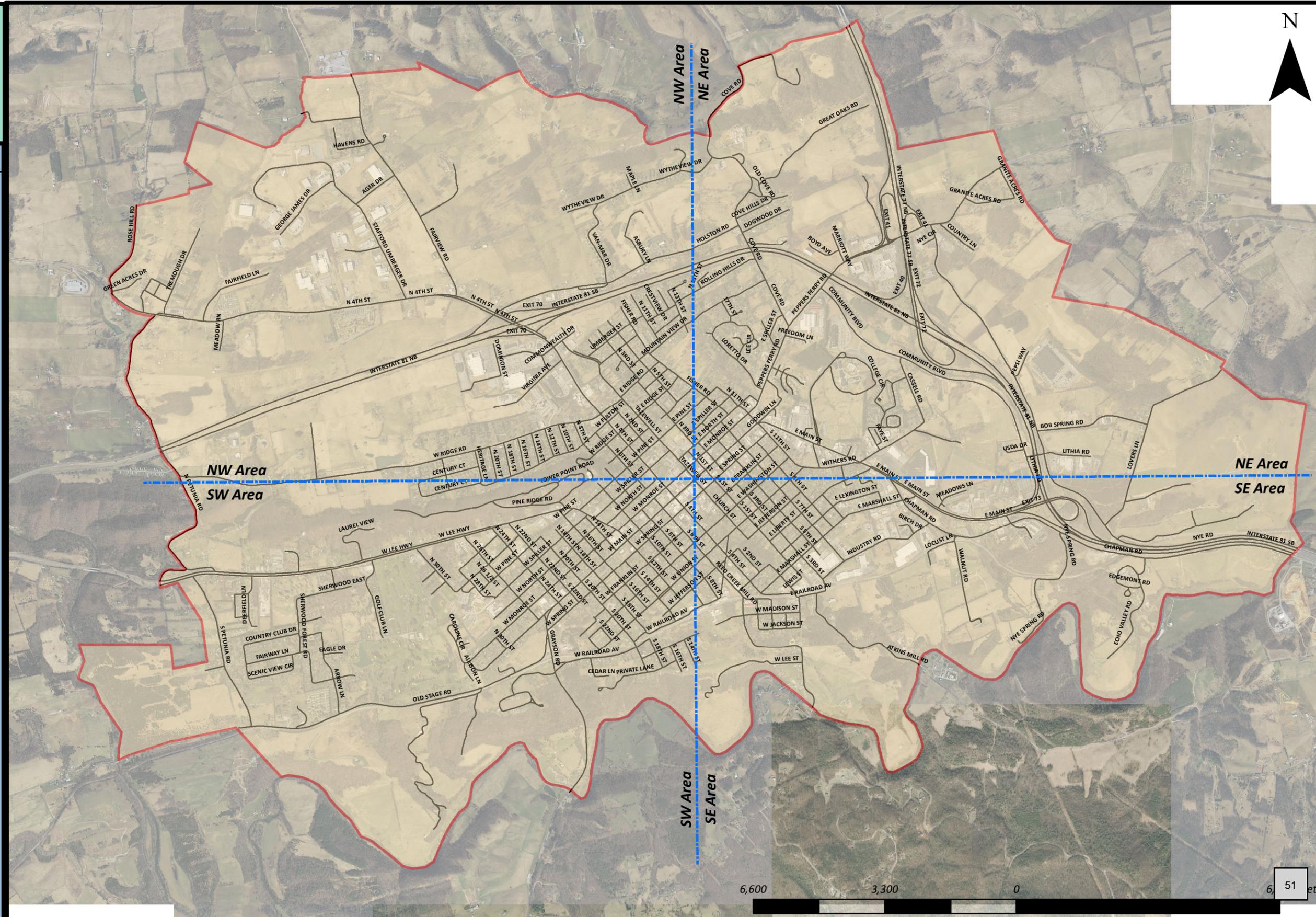
Section 10, Item B.

10 Housing Rehabilitation & Zone Identifier Number

Primary Service Area

Zone Quadrant Identifier (Origin: Tazewell & Main)

| No. | Zone Name |
|-----|-----------|
| | |



Town of Wytheville

Housing Rehabilitation Zone Program



Town of Wytheville
150 East Monroe Street
Wytheville, VA 24382
276-223-3333

Revision History
Adopted 12/11/23

Housing Rehabilitation Zone Program

1. **Overview.** The Housing Rehabilitation Zone Program is designed to encourage and incentivize the development of new housing units and the redevelopment of housing units for workforce housing in the Town of Wytheville.
2. **Purpose.** The purpose of the zone is to encourage new construction and/or redevelopment of housing units at a “for sale cost” or “for rent rate” that provides housing for the workforce demographic in the Town of Wytheville. Workforce housing is generally defined as the type of housing units that are affordable to those who are considered essential for the economy and well-being of the community. The term “workforce” describes positions from various sectors of the economy. Examples include tourism and service-related positions, construction and tradespeople, entry level government, public safety, healthcare and education positions, basic industry, and manufacturing positions. The Town will use state and federal income standards to establish housing unit rent and purchase thresholds to inform this workforce housing initiative.
3. **Enabling Statute.** The Code of Virginia §36-55.64 enables the Town of Wytheville to establish housing rehabilitation zones for the purpose of providing incentives and regulatory flexibility in such zone. The enabling statute is included in Appendix A.
4. **Policy Amendments.** The Town Council reserves the right to modify or repeal this program at any time. The most current draft of this document will be stored on the Town website. Revision history will be listed with the document.
5. **Jurisdiction.** The jurisdiction for this program is the incorporated limits of the Town of Wytheville.
6. **Point of Contact/Administrator.** The administrator or point of contact for this program shall be the Town Manager or his/her designee.
7. **Applicant.** The applicant for the program shall be the landowner, or the authorized representative for the landowner.
8. **Housing Rehabilitation Zone Map** is the official map that represents selected properties for the Housing Rehabilitation Zone. The Housing Rehabilitation Zone may also be referenced as the “zone” for the purposes of this policy.
9. **Selected Property.** The selected property shall be the tax map parcel number(s) of the property or properties, that is selected by the Town Council to be included in the Housing Rehabilitation Zone Program. Selected properties will be shown on the Housing Rehabilitation Zone Map.

10. **Ordinance Required.** The Town Council shall draft and consider an ordinance to create the initial zone program. Once the zone program is established, properties may be added to the zone map, by amending the initial Town of Wytheville ordinance #1428 to add the selected properties into the zone. A sample ordinance is included in Appendix B.
11. **Term.** The term limit for zone designation is ten (10) years. The date of the Town ordinance for selection of the property shall be used to establish the beginning of the term date. Properties may re-apply for the program upon expiration of the initial term date.
12. **Application Process.** The Administrator shall maintain the application process which shall be used for selection of the properties. The application shall be submitted by using the Town online application portal available at <https://wythevilleva.viewpointcloud.com/>
13. **Application Fees.** The Town Council reserves the right to assign fees for the application process and if needed waive fees for the application process.
14. **Selection Committee.** The Town Council has appointed a Selection Committee to pre-screen the applications and make recommendations to the Town Council for property selection. The Town Council shall receive the recommendation of the committee and make the final determination as to which properties are included in the program. The Selection Committee shall be comprised of one member of the Town Council, one member of the Planning Commission, one member of the Town of Wytheville Economic Development Authority and two (2) members of Town Staff as appointed by the Town Manager. All members of the committee should be willing to volunteer for the committee except for Town staff who shall operate in this capacity as part of their employment. The Administrator shall schedule the meetings of the committee and prepare the applications for review and consideration, in addition to other required tasks such as communications with Town Council and applicants for the program.
15. **Application Submittal Process and Timeframes.** The timeframe shall be reflective of the time required to conduct the selection process. Applications will be pre-screened for completeness, as they are received by the Administrator. The Administrator will convene the Selection Committee to consider the application(s). The recommendation and supporting information will be provided to the Town Council for consideration and final selection.

A semi-annual review and selection by Town Council is the preferred approach, however, a more frequent review can be facilitated if a time sensitive need

justifies this review and consideration. Due to the nature of the program, an ordinance is required.

- 16. Benefits of the Housing Rehabilitation Zone Program on Selected Properties.** It is the intent of the Town Council to offer attractive benefits and incentives for participation in the program. The Town Council reserves the right to add, remove or modify incentives as needed or as determined by factors outside of the control of the Town Council. Benefits for the current year are listed in Appendix C and can be modified at the discretion of the Town Council. Performance Agreements shall be used to lock in site specific benefits for each selected property.
- 17. Volume Requirement.** The minimum volume requirement for participating in the zone is three (3) housing units. The applicant shall provide proof that the project can develop a minimum of three (3) units on either contiguous and adjacent parcels or on one parcel of land. A housing unit is defined as either a potential home for one family, such as a single-family home or a housing unit such as a rental apartment.
- 18. Housing Unit Thresholds.** As part of the application process and to be considered for the zone, the applicant must demonstrate a commitment to developing housing units at the thresholds which are considered by the Town to be categorized as workforce housing. For this program, workforce housing unit sell costs and rental rates cannot exceed the thresholds listed and agreed to by the applicant, in accordance with this policy and the set thresholds in this policy. Over time the thresholds for participation may be adjusted for inflation or other reasons in accordance with the state and federal policy that serves as the source for these values. When needed, local program limits will be adjusted in accordance with those federal and state standards at the discretion of the Town Council.

Rental Units shall not exceed the threshold for unit rates as determined by the Virginia Housing Program Income and Rents Limit Calculator Spreadsheet, which shall also be known as “the spreadsheet”. The spreadsheet is available at this website. <https://www.virginiahousing.com/partners/rental-housing/income-limits> The 80% of “Median Income Limit” for the rental rates/by number of bedrooms as shown on the spreadsheet shall be used. No adjustment for utilities is required for the Town program. If the developer chooses to offer mixed income units, the average of all units must meet the 80% threshold. It shall be expected that housing unit rental rates over time will remain under the thresholds established by this program and shown on the

spreadsheet for each respective year of the housing unit’s operation within the time period for participation in the program. The current year rental unit threshold is shown in Appendix E.

For Sale Units shall not exceed 80% of the sales price limit threshold established by the Virginia Housing Loan Program and shown for our geographic region. <https://virginiahousing.com/partners/lenders/lending-limits-requirements> Home sales need only meet the sale price threshold at the time of the sale. The Home Sales Price Limit for the current year is shown in Appendix E.

- 19. Selection Factors for Properties Under Consideration.** In consideration of the submitted applications for inclusion in the program, the Town Council will consider the recommendation of the Selection Committee and the following factors.
- a. Ability of the property to meet the goal of providing workforce housing and commitment to meeting the housing unit thresholds.
 - b. The draft performance agreement completed by the applicant.
 - c. Location of the property and ability to utilize public water and public sewer.
 - d. Location in appropriate zone district.
 - e. Concept plan that meets the intent of providing workforce housing.
 - f. Draft building plans or building concept plans that meet the intent to provide workforce housing.
 - g. Previous experience and expertise of the applicant. Ability to complete the project.
 - h. Project readiness and/or ability to complete the project in a timely manner.
 - i. Land ownership. Does the applicant own the land?
 - j. Land restrictions and/or title search. Are there any encumbrances on the land?
 - k. For rent properties must have the ability to manage rent limits over time.
 - l. Input from Virginia Housing and the Department of Housing and Community Development on the project.
 - m. Any other factor as determined by the Town Council.
- 20. Performance Agreement.** Each applicant will be required to submit a draft Rehabilitation Zone Performance Agreement by using the town form. A sample of the Performance Agreement is shown in Appendix F. Prior to receiving the benefits of the program, the applicant will be required to execute and record the agreement in the Wythe County Clerk of Court. The agreement will outline the responsibilities of both the applicant and the town as it relates to this program. The Housing Rehabilitation Zone program may be amended over time. The Performance Agreement between the applicant and the Town is meant to commit the project to specific deliverables unique to each project.

21. **Mixed Use Projects.** Mixed use projects that develop over 50% of a structure or site for the purposes of workforce housing (that meets the threshold) may apply for the program. The boundaries of the housing component shall be clearly defined, and the number and type of units shall be known at the time of application. Mixed use is defined as a site that has a mix of residential and non-residential properties.
22. **Transfer of Property.** The transfer of property is allowed. Any new owner of a property that had previously been admitted into the rehabilitation zone must sign a renewed performance agreement, true to its original form, to receive the benefits and incentives associated with the Housing Rehabilitation Zone designation for that property. Should a new property owner not sign a performance agreement, they shall not receive the outstanding incentives offered through the zone designation.
23. **Summary.** The Housing Rehabilitation Zone is a program sponsored by the Town of Wytheville to provide incentives for the development of affordable housing that accommodates the workforce which is essential to the economic success of the Town. Strong partnerships with developers and home builders are key to the success of the program and highly encouraged.

Appendix A. Housing Rehabilitation Zone

Code of Virginia enabling statute from online source, printed December 2023

<https://law.lis.virginia.gov/vacode/title36/chapter1.5/section36-55.64/>

§ 36-55.64. Creation of local housing rehabilitation zones.

A. Any city, county, or town may establish, by ordinance, one or more housing rehabilitation zones for the purpose of providing incentives and regulatory flexibility in such zone.

B. The incentives provided in a housing rehabilitation zone may include, but not be limited to (i) reduction of permit fees, (ii) reduction of user fees, and (iii) waiver of tax liens to facilitate the sale of property that will be substantially renovated, rehabilitated or replaced.

C. Incentives established pursuant to this section may extend for a period of up to 10 years from the date of initial establishment of the housing rehabilitation zone; however, the extent and duration of any incentive shall conform to the requirements of applicable federal and state law.

D. The regulatory flexibility provided in a housing rehabilitation zone may include, but not be limited to (i) special zoning for the district, (ii) the use of a special permit process, (iii) exemption from certain specified ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Chesapeake Bay Preservation Act (§ [62.1-44.15:67](#) et seq.), the Erosion and Sediment Control Law (§ [62.1-44.15:51](#) et seq.), and the Virginia Stormwater Management Act (§ [62.1-44.15:24](#) et seq.), and (iv) any other incentives adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.

E. The governing body may establish a service district for the provision of additional public services pursuant to Chapter 24 (§ [15.2-2400](#) et seq.) of Title 15.2.

F. Each locality establishing a housing rehabilitation zone pursuant to this section may also apply for the designation of a housing revitalization zone pursuant to Chapter 11 (§ [36-157](#) et seq.). Nothing in this chapter shall preclude such dual designation.

G. Any housing rehabilitation zone established pursuant to this chapter shall be deemed to meet the requirements for designation of housing revitalization eligible to be financed as an economically mixed project pursuant to § [36-55.30:2](#).

H. This section shall not authorize any local government powers that are not expressly granted herein.

2006, c. [711](#); 2013, cc. [756](#), [793](#); 2016, c. [331](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Appendix B. Sample Ordinance

ORDINANCE NO.

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

Present:

Absent:

AN ORDINANCE ESTABLISHING A HOUSING REHABILITATION ZONE IN THE TOWN OF WYTHEVILLE, VIRGINIA

BE IT ORDAINED by the Town Council of the Town of Wytheville, Virginia, that this ordinance hereby establishes a Housing Rehabilitation Zone in the Town of Wytheville. The boundary of the Housing Rehabilitation Zone is established as indicated on the attached Housing Rehabilitation Map with selected properties as noted. The provisions and administration of the Housing Rehabilitation Zone are as provided in the attached regulations and shall be administered by the Town Manager or his/her designee. The Housing Rehabilitation Zone Map and the regulations may be amended by ordinance from time to time as deemed necessary by the Town Council.

Appendix C. Rehabilitation Zone Program Benefits

Overview: Effective January 1, 2024. Once selected by Town Council to be in the Rehabilitation Zone, the property owners are required to execute a performance agreement with the Town that outlines the expectations of both the property owner and the Town of Wytheville for participation in the program. A signed performance agreement is required prior to the administration of any benefits listed. Benefits shall apply to the tax map number(s) listed on the application and the housing projects that meet the listed thresholds for participation in the program. The benefit period is ten (10) years from the original designation date that the property was added to the Rehabilitation Zone by ordinance of the Town Council.

If selected and when applicable, potential benefits of the Housing Rehabilitation Zone designation may include the following.

- 1) **Waiving of Permit and User Fees.** The waiving of land development, utility and building permit fees. This shall include any permit application obtained through the building, zoning, planning, engineering, public utilities, or public works departments. Disclaimer: Any fee or cost associated with the purchase of equipment, or the extension of public utilities shall not be included in the benefit unless otherwise explicitly granted by the Town Council. Examples include materials and costs associated with the purchase of equipment, valves, meter bases or utility line extensions, which shall be at the expense of the developer.
- 2) **Consultation with Town Staff.** The participant in the zone designation will receive regular consultations with Town Staff throughout all phases of project development. Participation in the program provides the developer with customized consultations and overall support. Examples include services such as conceptual site layout design assistance, networking with state housing agencies to ensure access to grants and loans, and periodic consultations by Town Staff to lend assistance as needed.
- 3) **Application Points on Low Income Housing Tax Credit Applications (LIHTC).** The LIHTC program is administered by Virginia Housing. Developers who choose to apply for this program will do so independently of the Town Rehabilitation Zone Program. Participation in the Rehabilitation Zone Program will provide the applicant with fifteen (15) points on the LIHTC application. The LIHTC program is a competitive application process which only applies to low-income rental unit projects. Developers are encouraged to carefully understand program parameters such as the management and reporting requirements of the LIHTC program. For those developers who are familiar with and choose to apply to the LIHTC program, the fifteen (15) points on the application is a benefit of the program. <https://www.virginiahousing.com/en/partners/rental-housing/rental-housing-tax-credits>

- 4) **Local Stamp of Approval.** All developers in Virginia have access to Virginia Housing and Department of Housing and Community Development funding and financing regardless of Rehabilitation Zone Designation. Receiving a local stamp of approval as a Town of Wytheville Rehabilitation Zone property could provide the project with preferred consideration for statewide programs such as Virginia Housing Predevelopment Loan Program, Virginia Housing Stabilization and Deconstruction Grants as part of the Community Impact Grant program and other state and federal programs. The developer would apply for these programs independent of the Rehabilitation Zone Program.

<https://www.virginiahousing.com/partners/housing-partners/grant>

<https://www.dhcd.virginia.gov/housing>

- 6) **Town Council Discretion.** Upon the request of the applicant the Town Council, at their discretion, may consider granting the following benefits to selected properties in the Housing Rehabilitation Zone.

- a. Waiver of tax liens to facilitate the sale of property that will be substantially renovated, rehabilitated, or replaced.
- b. The establishment of a service district for the provision of additional public services pursuant to Chapter 24 (§ 15.2-2400 et seq.) of Title 15.2 of the Code of Virginia.
- c. Regulatory flexibility such as special zoning for the district or allowing a special use process for Town Council consideration of the project in a zone not listed in the Land Use Table of the Unified Development Ordinance.
- d. Preference for locality-initiated applications which includes but is not limited to, EPA Brownfield Grants, Community Housing and Development Block Grants, Industrial Revitalization Fund Grant, and USDA programs.

Appendix D. Sample Performance Agreement

Note: Performance Agreements will be custom tailored to each project. The Town Manager may at his/her discretion amend the performance agreement document to meet the specific project needs and expectations for the property, in accordance with the overall goals of the Housing Rehabilitation Zone.

HOUSING REHABILITATION ZONE PERFORMANCE AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2024, between **XXXXX** (the "Owner"), and the **TOWN OF WYTHEVILLE, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia, (the "Town").

WITNESSETH:

WHEREAS, the Owner has ownership in fee simple of tax map parcel numbers, **XXXXX** (the "Property"), located in the Town of Wytheville, Virginia, and described in those certain deeds and/or plats recorded in the Office of the Clerk of the Circuit Court of the County of Wythe, Virginia by Instrument #(s) **XXXXX** to which reference is made for a more particular description; and

WHEREAS, the Owner of the referenced property has applied for the Town Council's consideration to be included in the Town of Wytheville Housing Rehabilitation Zone; and

WHEREAS, the Owner is desirous of participating in the Housing Rehabilitation Zone with the terms and conditions of the program as reflected in the guidance "Town of Wytheville Housing Rehabilitation Zone Program", as amended; and

WHEREAS, the Owner is committed to the development of workforce housing units, and when applicable, to the management of workforce housing, that meets the “for sale” **and/or** “rental rate” threshold established by the program; and

NOW, THEREFORE in consideration of the terms of this agreement, the Owner, with the consent of the Trustee(s) and the Noteholder(s), hereby covenants and agrees as follows:

1. The Owner agrees to design, construct, and install **_X_Number of_____ housing units**, identified as **XXXXXXXX** on the proposed conceptual site plan. This commitment shall include any infrastructure required to connect the proposed units to public infrastructure for the purpose of servicing the proposed housing units.
2. The **Rent or Sale Price** shall not exceed the threshold of **xxxxx**. For the units identified as **XXXXX** on the attached concept plan for the first year of operation.
3. In future years, from this date forward until the end of the ten-year term of **XXXXXX** which is required for participation in the program, the **rent threshold** shall not exceed that which is listed for the program and shown for the respective year of the program, as illustrated in Appendix E, as amended.
4. At the request of the Town, the Owner may be asked to provide documentation and reporting requirements indicating compliance with the program, for the ten-year life of the program.
5. This Agreement does not relieve the Owner of any responsibilities or requirements placed upon it by the various ordinances of the Town applicable to the development of the Property. The Owner agrees that the development of the Property shall be done in strict conformity with such ordinances and requirements.

6. The Owner shall give written notice to any successive landowners of the rehabilitation zone designated properties and provide the contact information for the Town's designated administrator to ensure that future owners are aware of their requirements and ability to utilize the zone designation.

7. If the Owner shall faithfully comply with each and all requirements of this Agreement and shall indemnify and save harmless the Town from all loss, damage, expense, or cost arising out of any claim, suit, or action instituted against the Town or its agents or employees on account of or in consequence of any breach by the Owner of the agreement. The Town shall reserve the right to require a measure of security and the right to enforce all its provisions until all requirements of the Agreement are fully complied with.

8. If there are liens and/or encumbrances against the Property, the noteholders, lienholders, and trustees, if any, must affix their signatures to the recordable plat prior to final plat recordation.

9. The Noteholder secured by the deed of trust on the Property, joins in the execution of this Agreement to evidence its consent to the provisions hereof. The Trustee, at the direction of the Noteholder, joins herein, consents to the provisions hereof, and hereby subordinates the lien of the Deed of Trust to this Agreement and the covenants created or set forth herein.

10. In the event the Town's ordinances, rules, regulations, and/or procedures are changed, the parties hereto will be bound by such changes that may affect this development and shall comply with same.

11. This Agreement shall be construed, interpreted, and applied according to the laws of the Commonwealth of Virginia and shall be binding upon the heirs, personal representatives, executors, devisees, administrators, successors, grantees and assigns of the parties hereto.

12. The landowner agrees that the terms of this Agreement shall be binding and shall apply to any future owners, with the new execution of a performance agreement. The landowner further agrees that this Agreement shall be recorded in the Office of the Circuit Court of the County of Wythe, Virginia.

NOW, THEREFORE in consideration of the terms of this agreement, the **Town**, hereby covenants and agrees as follows:

1. Upon the selection of the shown properties into the Housing Rehabilitation Program, the Town shall add the selected properties to the official Housing Rehabilitation Zone Map for a period of ten years from the initial date of ordinance adoption.

2. The Town shall waive all land development permit and user fees as identified in the Housing Rehabilitation Zone program guidelines, for the development of housing units that meet the identified thresholds as shown in this agreement and located on the selected properties as identified on this agreement.

3. The Town shall facilitate the exchange of information with statewide housing advocacy groups such as Virginia Housing and the Department of Housing and Community Development to assist with the identification of and potential applications for additional statewide incentives and programs that may benefit the project.

4. Town Staff agree to meet with the landowner as requested to consult on matters of design, development and potential incentives, grants, and financing options.

5. Upon a separate request of the owner, the Town Council will consider owner requests for assistance, such as those shown as “Town Council Discretion” on Appendix C of the program guidelines.

6. Upon request of the landowner, town staff will assist with conceptual site design ideas to help expediate the project and to assist the landowner with potential cost reductions related to wise site design and efficient design considerations.

IN WITNESS WHEREOF, XXXX Development, LLC, has/have cause his/their/its name(s) to be hereunto signed by _____ and the said Town has caused its name to be hereunto signed by its TOWN MANAGER/AUTHORIZED DESIGNEE.

OWNER ACKNOWLEDGMENT

XXXX DEVELOPMENT, LLC

By: _____

Printed Name: _____

Title: _____

STATE OF _____

CITY/COUNTY OF _____, to wit:

I, _____, a Notary Public in and for the City/County and State aforesaid, do hereby certify that XXXX Development, LLC, whose names as such are signed to the foregoing Agreement, have acknowledged the same before me in my City/County and State aforesaid. He/She/They is/are personally known to me or has/have produced _____ identification.

GIVEN under my hand this _____ day of _____, 2022.

Notary Public

My Commission Expires: _____

Notary Registration Number: _____

TOWN'S ACKNOWLEDGMENT

STATE OF _____

CITY/COUNTY OF _____, to wit:

I, _____, a Notary Public in and for the City/County and

State aforesaid, do hereby certify that that _____, TOWN
MANAGER/AUTHORIZED DESIGNEE OF THE TOWN MANAGER, whose name as such is
signed to the foregoing Agreement, have acknowledged the same before me in my
City/County and State aforesaid. He/She is personally known to me.

GIVEN under my hand this _____ day of _____, 2022.

Notary Public

My Commission Expires: _____

Notary Registration Number: _____

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

Appendix E. Participation Thresholds for Housing Units in the Rehabilitation Zone- Effective January 1, 2024

Rental Housing Unit Thresholds

To participate in the Housing Rehabilitation Zone Program, rental housing units must meet the housing unit rental rate threshold established by the Virginia Housing Program Income and Rent Limits Calculator for 80% of Median Income for Wythe County. Projects selected for participation in the program cannot exceed rental rates as shown. Yearly adjustment can occur in coordination with any changes to the Virginia Housing Program Income and Rent Limits Calculator. Rents must remain under the listed threshold, or future yearly adjusted thresholds, for participation of the units as agreed to with the executed performance agreement.

| | |
|--------------------|---------|
| One Bedroom Unit | \$1,008 |
| Two Bedroom Unit | \$1,080 |
| Three Bedroom Unit | \$1,498 |
| Four Bedroom Unit | \$1,672 |

For Sale Housing Unit Thresholds

To participate in the Housing Rehabilitation Zone Program, “for sale” housing units must meet the housing unit sale price threshold established and agreed to in the executed performance agreement. The established value for homes is 80% of the sales price listed in the most recent Virginia Housing Sales Price Limit for First Time Homebuyer Loan Program.

<https://virginiahousing.com/partners/lenders/lending-limits-requirements>

The HUD Sales Price Limit for new homes established in Wythe County is \$330,000. The calculation of 80% of this value is \$264,000.

To meet the for sale housing unit threshold, the housing unit cannot be sold for greater than \$264,000. The participant in the Rehabilitation Zone must guarantee on the Performance Agreement that they will not exceed this sale price for any housing units listed on the application submitted for participation in this program.

10-C

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

| | |
|----------------------|-----------------------------|
| Meeting Date: | December 11, 2023 |
| Subject: | Virginia Organizing Request |

SUMMARY:

Please find attached a request from Virginia Organizing requesting traffic control assistance to conduct a Martin Luther King, Jr. Day March on Sunday, January 14, 2024. This request has been reviewed and approved by the Safety and Events Committee, and the Committee recommends approval by the Town Council.

Recommended Action

If the Council desires to approve this request, it will require a motion and vote by the Town Council.



EVEN-23-29

Street Closure or Traffic Control Application

Status: Active

Submitted On: 11/15/2023

Primary Location

No location

Applicant

 Kerry Eans



Wytheville, VA 24382

APPLICATION CONFIRMATION

Please check the box to indicate that you understand the process for review and approval of this application and to agree to the Policy Guidance on Event Safety, Street Closure and Traffic Control.* 

APPLICANT INFORMATION

Event Name* 

Dr. Martin Luther King Jr. March and Program

Organization Name or N/A* 

Applicant Name* 

Kerry Eans (Virginia Organizing)

Applicant Cell Phone* 

Applicant Email Address* 

Co Applicant* 

Glenda Crockett-Eans

Co Applicant Cell Phone*

Co Applicant Email Address*

glcrockett-eans@virginia-organizing.org

Have you sponsored this same event (same scope, location, street closure) previously?*

YES

EVENT INFORMATION

Day of the Week * ?

Sunday

Event Date or Day of Event*

01/14/2024

Event Type* ?

March

Name of the Route (if known) * ?

MLK March

Street Closure Time Bracket, when you need the streets closed or controlled for setup and tear down. Use N/A if this is not applicable to you.* ?

From 2:00pm to 2:30pm.

Time Event Opens to Public* ?

2PM

Time Event Closes to Public* ?

3PM

If the event is multiple days with a variation of times. Please describe all dates and times here. Otherwise enter N/A.*

N/A

Provide purpose and scope of your event. List the types of activities proposed.* ?

Purpose of the March is to commemorate Dr. Martin Luther King Jr. accomplishments as a Civic Rights Leader. We will enter Main Street at Bethel AME Church at 2:00pm. Then March down Main Street from there and exit Main Street at the Millwald Theater. This event is sponsored by Virginia Organizing

Expected Attendance or number of people that you expect will attend.*

40



If you will use volunteers please indicate the number of safety vests that you will need to borrow from the Police Department.*

0

STREET CLOSURE OR TRAFFIC CONTROL

The applicant will be required to upload a map of the event area or area where the street closure or traffic control is to occur. The applicant shall upload the map in the attachment section of this portal. Please show street names and path of travel for parades, 5K and marches.

Describe the street closure or limits of the event. Describe from which intersection to which intersection or what portions of streets are impacted. For 5K and parades describe starting point, paths of travel and end location.*



The March will start at 635 East Main Street, proceed West down to 205 West Main Street then exit Main Street.

Applicant: It is your responsibility to contact the Police Department at 276-223-3300 one week prior to the date of the street closure to confirm the event closure time and details. Do you understand this requirement?*

YES

Employee Section: Please describe the type of street closure planned for the event and responsible parties day of event.

OTHER REQUIRED INFORMATION

Will there be food for sale or food trucks be at the event?*

NO

Alcohol Sales. Will alcohol be sold or distributed as part of the event?*

NO

Will the event use a Town park or facility in conjunction with the street closure event?*

NO

Will anything be sold by an outdoor, temporary or mobile vendor at the event? *

NO

Will tents, stages, or other physical elements be used/placed in the street, sidewalks or right of way? *

NO

Will connection to electricity or generators be needed?*

NO

Will there be open fire, fireworks or any source of open flames in conjunction with this request?*

NO

Describe your plan for trash refuse collection and providing port a johns or sanitary facilities.*

N/A, no trash refuse is expected.

DIGITAL SIGNATURE: I am signing this application as the event coordinator and I understand that I am responsible for ensuring that any special directions and/or conditions provided by the Town and attached to this permit for street closure and/or special event must be followed. I understand that it is my responsibility to ensure that local, state and federal laws as it relates to the event that I am sponsoring are followed and adhered to. I have read and I

understand the Town Policy Guidance on Street Closures and Traffic Control and I agree to serving as the Event Organizer to ensure that the event can be safely held.

Select the box to provide a digital signature for this application*

Kerry Eans
Nov 9, 2023

Attachments



Event Map

MLK March Route.jpg

Uploaded by Kerry Eans on Nov 9, 2023 at 3:15 PM

REQUIRED

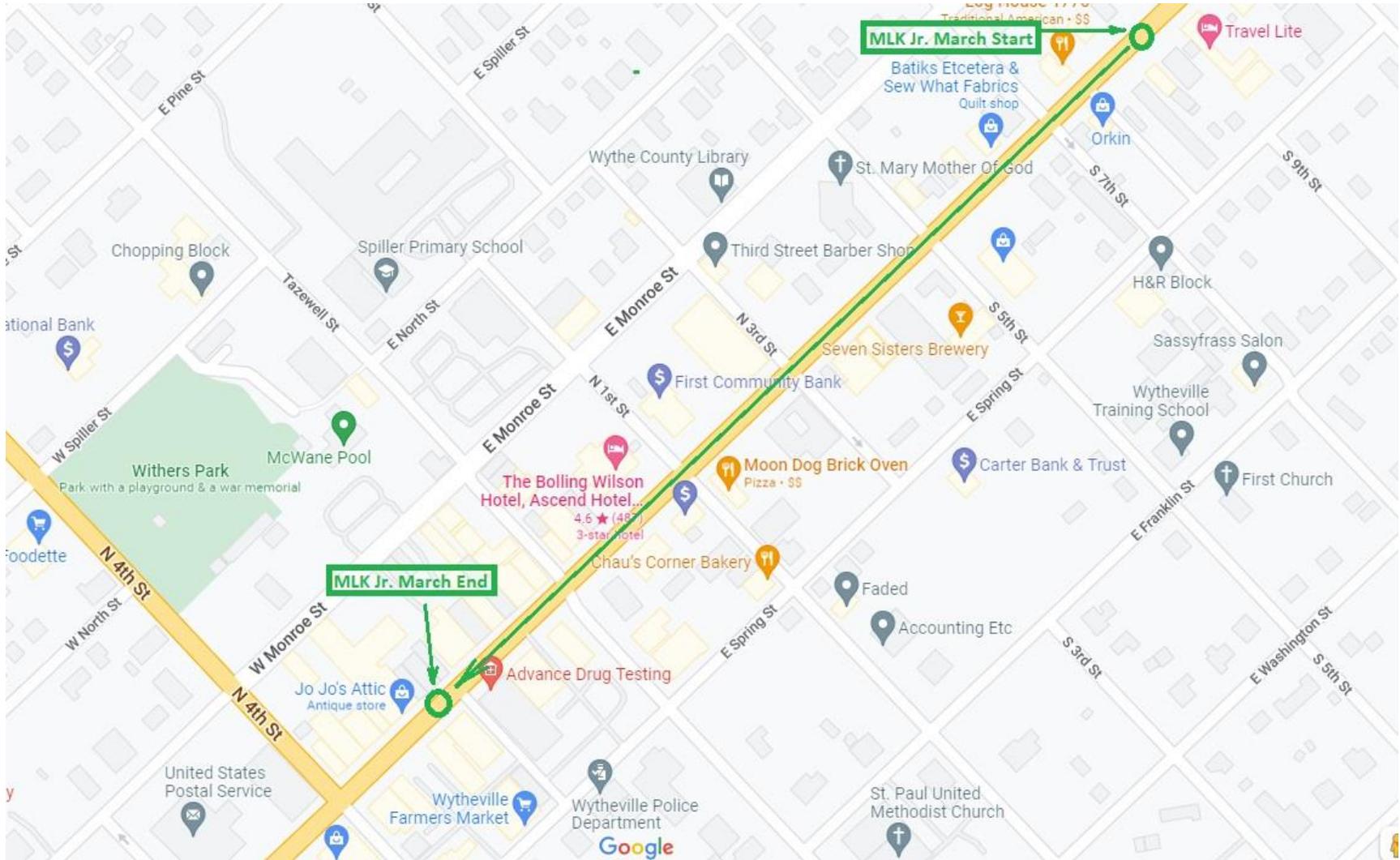


Certificate Proof of Insurance for Event -

Virginia Organizing Inc COI for Town of Wytheville.pdf

Uploaded by Kerry Eans on Nov 15, 2023 at 12:08 PM

REQUIRED



10-D

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

| | |
|----------------------|--|
| Meeting Date: | December 11, 2023 |
| Subject: | Wytheville Recreation Commission Appointment |

SUMMARY:

The term of Mr. Michael Mitchell on the Wytheville Recreation Commission expires December 31, 2023, and he is not eligible for reappointment. Please find attached two applications for consideration of appointment to the Commission. The appointment will be for a three year term that will expire December 31, 2026.

Recommended Action

Action to appoint a new Wytheville Recreation Commission member or to hold a Meet and Greet Session will require a motion and vote by the Council.

COMM-23-14

Application to Serve on Town
Committee or Board
Status: Active
Submitted On: 9/28/2023

Primary Location

No location

Applicant

 Brady Parks



 |

wytheville, va 24382

APPLICANT INFORMATION

Full Legal Name*

Brady Scott Parks

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*

Millwald Theatre

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?*

Recreation Commission

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.*

Marketing and Event Manager for Hospital Foundation and MCCH Marketing Department. Develop marketing strategies to raise money for hospital funding and charitable needs, including new Cancer Center, Breast Cancer Imaging equipment, Hospice House, etc. Director for Annual Murray Half Marathon and 5K, Director for Annual Golf Tourney and other fundraisers. Created and produced marketing materials, branding collateral, managed social media and websites

Small Business Consultant Faculty position providing consulting and marketing services to regional small business clients. Provide high quality individual instruction to entrepreneurs, business owners, and business managers. Analyze business situations, make recommendations, and educate clients with regard to business plans, market feasibility, financial viability, operations management, and legal structures, etc.

Director, 5KBR – Annual 5K Run

Planned and executed 5K run that benefited a local charity. The charity worked to transport to children or expectant mothers with limited resources to healthcare providers. Event was held in conjunction with the annual Mercedes Marathon weekend. Worked with partners to develop and execute communication plan for marathon and 5K. Grew to over 1,300 participants annually. Event raised over \$350,000 in 7 years.

RECIPIENT: Pioneering Spirit Award – February 2009

In recognition of organizational and fundraising efforts for the first five years of the BE&K 5K in support of Kid One Transport

Managed proposals and presentations department. Worked with marketing team on client development and outreach strategies. Designed/developed and provided content for corporate website and printed publications. Worked directly with Corporate President, CEO and all upper management on client marketing initiatives, proposal and presentations for very large industrial projects. Worked directly with Director of Communications to plan and develop/design public relations efforts.

Volunteer/Community Involvement

- General Manager, Swim Bike Run Murray – 2011-2021
- Murray Calloway Wellness Consortium Member – February 2013-2016
- Murray High School Tennis Coach – 2013-2016
- Organizer – Murray State University, Carter’s Kids 5K (2015), raised \$5,000 for foundation

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.*

Director, 5KBR – Annual 5K Run (2006-2011)

Planned and executed 5K run that benefited a local charity. The charity worked to transport to children or expectant mothers with limited resources to healthcare providers. Event was held in conjunction with the annual Mercedes Marathon weekend. Worked with partners to develop and execute communication plan for marathon and 5K. Grew to over 1,300 participants annually. Event raised over \$350,000 in 7 years.

President, KBR Volunteer Council (2008-2011)

Planned and executed community relations events for various charities and special community projects. Developed all communication plans and public relation efforts for each event.

- General Manager, Swim Bike Run Murray – 2011-2021
- Murray Calloway Wellness Consortium Member – February 2013-2016
- Murray High School Tennis Coach – 2013-2016

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 runner, cyclist, hiking, tennis, fly fishing - enjoy exercise and fitness.
General Manager for local athletic team in Murray, KY - Swim Bike Run Murray.
Strong computer graphics and marketing skills.

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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:*

Brady Scott Parks

Click here to add your legally binding digital signature*

Brady Scott Parks
Sep 28, 2023

Attachments

08/04/2023

COMM-23-12

Application to Serve on Town Committee or Board

Status: Active

Date Created: Aug 2, 2023

Applicant

Christopher Rodgers

Wytheville, Virginia 24382

APPLICANT INFORMATION

Full Legal Name

Christopher Doyle Rodgers

Town or City Mailing Address

Wytheville

Zip Code Mailing Address

24382

Applicant Email Address

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.

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.

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

Applicant Mailing Street/PO Address

State Mailing Address

Virginia

Applicant Contact Phone Number

Place of Employment or Other

Carilion New River Valley Medical Center

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.

Recreation Commission - Three (3) year term.

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

Tree Advisory Committee - Four (4) year term.

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

Wytheville Economic Development Authority
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.

Section 10, Item D.

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

Which Board/Committee are you interested in serving on?

Recreation Commission

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

Recreation Commission, and Willow Brook Jackson/Umberger Homestead Museum Advisory Board. I am also open to serving on other boards or Committee if the Town Committee finds a better fit for me.

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 am currently working as a nurse intern at the Radford Hospital and have extensive experience in the medical field. I have an Advanced Highschool Diploma, an Associates degree in General Science, a Certificate of Nursing, am currently working on my Nursing degree through Wytheville Community College, and am also working on my Bachelor's Degree in the Science of Nursing through Radford University. I have volunteered at the Edith Bowling Wilson Museum throughout the summer, and am knowledgeable on the history of Wytheville. I keep myself up to date on the events of the town, and am always willing to help the town whenever I can.

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 not served on a board or committee for the Town of Wytheville.

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

I was born and raised here in Wytheville, and have extensive knowledge about the Town and history thereof. I live on my family farm here in Wytheville and have knowledge on agriculture and livestock maintenance. My father owns an engineering business here in Wytheville and I have assisted him many times with surveying land and designing plans for new developments. I am extremely detail oriented and hardworking, as well as involved in the Town's improvement and development.

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:

Christopher Rodgers

Click here to add your legally binding digital signature

Christopher Rodgers

08/02/2023

Town Council Approval

Date of Issuance

--

If appointed. Town Clerk put term expiration date here.

--

10-E

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

| | |
|----------------------|--|
| Meeting Date: | December 11, 2023 |
| Subject: | Wytheville Recreation Commission Reappointment |

SUMMARY:

The term of Ms. Brittney Litton on the Wytheville Recreation Commission expires December 31, 2023, and she is eligible for reappointment. This reappointment would be for a three year term that will expire December 31, 2026.

Recommended Action

Action to reappoint Ms. Brittney Litton to the Wytheville Recreation Commission will require a motion and vote by the Council.

10-F

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

| | |
|----------------------|---|
| Meeting Date: | December 11, 2023 |
| Subject: | Wytheville Economic Development Authority Appointment |

SUMMARY:

The term of Ms. Linda Nye on the Wytheville Economic Development Authority expires December 12, 2023, and she is not eligible for reappointment. Please find enclosed one application for consideration of appointment to this Authority. The appointment would be for a four year term that will expire December 12, 2027.

Recommended Action

If the Council desires to make the appointment at this meeting or to hold a Meet and Greet Session with the applicant, it will require a motion and vote by the Town Council.



COMM-23-19

Application to Serve on
Town Committee or
Board

Status: Active

Submitted On: 11/14/2023

Primary Location

No location

Applicant

Wendy Welch



Wytheville, VA 24382

APPLICANT INFORMATION

Full Legal Name*

Wendy Welch

Applicant Mailing Street/PO Address * ?

Zip Code Mailing Address* ?

24382

Applicant Contact Phone Number* ?

Applicant Email Address* ?

Place of Employment or Other* ?

Graduate Medical Education
Consortium of SWVA

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?*

Wytheville Economic 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.* ?

My PhD is from Memorial University, my MPH is from Virginia Tech, and I am the author of seven books, one exploring small town economics. I interact regularly with Open Door, Wytheville Women's Club, and Virginia Organizing here in town. As executive director of the Graduate Medical Education Consortium, I work in the 13 sw-most counties of Virginia, advocating for the region often with legislators at the state and federal level.

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 served on the farmers market board of our previous county and the national storytelling association board for the US as its development officer, both of these running roughly 2011-2018. Local boards and civic services include running an arts education non-profit, serving on the board of a women's history organization in Scotland, and their national storytelling board (1998-2006). I served on the SWVA Health Authority and have extensive experience in how education, healthcare, corporations, and entrepreneurship work together to make towns strong and sustainable (2011-2019). I also served on the Appalachian Studies Association board (ending 2021) and am a member of the regional Quaker group. Currently I serve on the Virginia Rural Health Association, an appointment that began in 2016, and the Virginia Workforce Development Authority, appointed by the governor in 2021, anticipated to end this year.

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

Having worked for 25 years in the academic and non-profit sector, I can negotiate, facilitate, listen carefully, and think strategically about anything, with anyone from complete allies to wholesale adversaries. I'm good at creating community in small groups and large spaces, and I understand the main pillars of economic development, including innovations and trends and their likely future expectations within Appalachia.

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:* 

Wendy Welch

Click here to add your legally binding digital signature*

Wendy Welch
Nov 14, 2023

Attachments



Background Report Release Form and Personnel Record Release Form

REQUIRED

071922-Town-Committee-Board-Packet-and-Background-Release-Forms.pdf

Uploaded by Wendy Welch on Nov 14, 2023 at 6:13 AM

10-G

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

| | |
|----------------------|---|
| Meeting Date: | December 11, 2023 |
| Subject: | Wytheville Economic Development Authority Reappointment |

SUMMARY:

The term of Ms. Melissa Crockett on the Wytheville Economic Development Authority expires December 12, 2023, and Ms. Crockett is eligible for reappointment. This reappointment is for a four year term that will expire December 12, 2027.

Recommended Action

Action to reappoint Ms. Melissa Crockett to the Wytheville Economic Development Authority will require a motion and vote by the Council.

10-H

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

| | |
|----------------------|---|
| Meeting Date: | December 11, 2023 |
| Subject: | Appointments – Wytheville Building Code Appeals Board |

SUMMARY:

Town staff recently found out that Planning Commission members are not allowed to also serve on the Building Code Appeals Board. Therefore, Mr. Brad Litton’s position on the Board needs to be filled. Also, Town staff is desirous of appointing two alternate members to the Board. Please find enclosed three applications for consideration of appointment. The regular appointment to replace Mr. Litton is for an unexpired term that expires July 26, 2025, at which time the appointee could be considered for reappointment. The appointments for the alternate members are for five year terms that will expire July 26, 2028.

Recommended Action

The appointments to the Building Code Appeals Board or to hold a Meet and Greet Session with the applicants will require a motion and vote by the Town Council.



COMM-23-21

Application to Serve on
Town Committee or
Board

Status: Active

Submitted On: 12/1/2023

Primary Location

No location

Applicant

Mike Carrico



Max Meadows, Va 24360

APPLICANT INFORMATION

Full Legal Name*

Michael Carrico

Applicant Mailing Street/PO Address *

Zip Code Mailing Address*

24360

Applicant Contact Phone Number*

Applicant Email Address*

Place of Employment or Other*

Self Employed

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

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

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

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

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

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

Recreation Commission - Three (3) year term.

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

Tree Advisory Committee - Four (4) year term.

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

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

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. ?

Just the One

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

NO

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

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

Building contractor with 35 Years in construction industry

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.* ?

Self employed contractor

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

Licensed Contractor in Residential Construction

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. <font color="red"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:* 

Mike Carrico

Click here to add your legally binding digital signature*

 Mike Carrico
Dec 1, 2023

Attachments



Background Report Release Form and Personnel Record Release Form

Mike Carrico.pdf

Uploaded by Jason Hamm on Dec 1, 2023 at 3:09 PM

REQUIRED

COMM-23-17

Application to Serve on Town
Committee or Board

Status: Active

Submitted On: 10/20/2023

Primary Location

No location

Applicant

 Barry Catron







Wytheville, VA 24382

APPLICANT INFORMATION

Full Legal Name*

Barry Duane Catron

Applicant Mailing Street/PO Address *

Zip Code Mailing Address*

24382

Applicant Contact Phone Number*

Applicant Email Address*

Place of Employment or Other*

Xterior Plus Inc

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.

No other boards

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 been in Real Estate, Real Estate Appraising, and in construction in Wytheville for 30 years

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

None

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

Knowledgeable of construction process and building codes related to construction.

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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:* 

Barry Duane Catron

Click here to add your legally binding digital signature*

 Barry Duane Catron
Oct 20, 2023

Attachments



COMM-23-20

Application to Serve on
Town Committee or
Board

Status: Active

Submitted On: 11/30/2023

Primary Location

No location

Applicant

Donald Repass



Wytheville, Va 24382

APPLICANT INFORMATION

Full Legal Name*

Donald Repass

Applicant Mailing Street/PO Address * ?

Zip Code Mailing Address* ?

24382

Applicant Contact Phone Number* ?

Applicant Email Address* ?

Place of Employment or Other* ?

Self Employed

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

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

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

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

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

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

Recreation Commission - Three (3) year term.

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

Tree Advisory Committee - Four (4) year term.

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

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

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

NO

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

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

Self employed contractor with 35+ years of experience. Masters in plumbing, electrical, and gas fitting

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.* ?

No previous service

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

Master Electrician, Master Gas Fitter, and Master Plumber

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:* ⓘ

Donald Repass

Click here to add your legally binding digital signature*

✔ Donald Repass
Nov 30, 2023

Attachments

10-1

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

| | |
|----------------------|---|
| Meeting Date: | December 11, 2023 |
| Subject: | Establishment of Real Property Tax Due Date |

SUMMARY:

As the Council is aware, by no fault of the Town's, the Real Property Tax tickets have been delayed being mailed this year, and they are scheduled to be mailed during the month of December. It will, therefore, be necessary for the Town Council to set a due date for the Real Property Taxes to be paid. Wythe County has established the due date of January 31, 2024, for the County's Real Property Taxes to be paid. Town Manager Freeman will discuss the issue with the Town Council at the request of Town Treasurer Stephens. Town Treasurer Stephens would suggest that the Town Council set the due date as January 31, 2024, for Town Real Property Taxes to be paid.

Recommended Action

The establishment of a due date for the Real Property Taxes will require a motion and roll call vote of the Council.

10-J

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

| | |
|----------------------|-------------------------|
| Meeting Date: | December 11, 2023 |
| Subject: | Scheduling Work Session |

SUMMARY:

As the Council is aware, Virginia Tech students have been working in the town doing various projects. The Virginia Tech students could attend a Work Session on Monday, January 22, 2024, at 4:00 p.m. to provide an update to the Town Council on their projects.

Recommended Action

If the Council desires to schedule a Work Session for Monday, January 22, 2024, at 4:00 p.m., it will require a motion and vote by the Town Council.

12-A

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

| | |
|----------------------|-------------------|
| Meeting Date: | December 11, 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.

12-B

**WYTHEVILLE
TOWN COUNCIL**



**AGENDA ITEM
INFORMATION**

| | |
|----------------------|-------------------|
| Meeting Date: | December 11, 2023 |
| Subject: | Upcoming Meetings |

SUMMARY:

Chief Deputy Clerk Brandi Jones will present the upcoming meetings to the Town Council.

Recommended Action

No action required at this time.

UPCOMING MEETINGS

1. The Wytheville Planning Commission meeting scheduled for Thursday, December 14, 2023, has been canceled, due to the holidays.
2. Downtown Wytheville, Incorporated (DTW) will meet on Monday, December 18, 2023, at 5:30 p.m., at the DTW Office on Main Street.
3. The Wytheville Redevelopment and Housing Authority will meet on Wednesday, December 20, 2023, at 12:00 p.m., at the Housing Authority Office.
4. The New River Regional Water Authority (NRRWA) will meet on Thursday, December 21, 2023, at 10:00 a.m., at the NRRWA Plant in Austinville.
5. The Town of Wytheville Municipal Offices will be closed and all services curtailed on Friday, December 22; Monday, December 25; and, Monday, January 1, due to the Christmas and New Year's holidays.
6. The next regular scheduled meeting of the Wytheville Town Council will be held on Monday, January 8, 2024, at 5:00 p.m., here in the Council Chambers.

13-B

Town of Wytheville

January 2024

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

| Town of Wytheville Building Department November 2023 OpenGov Ledger Report | | | | |
|--|---|-------------------------------------|-------------|------------------|
| Record # | Record Type | Fee Label | Amount Paid | Date Paid |
| MEP-23-165 | Mechanical, Electrical & Plumbing (MEP) Application | Electrical Fees | \$60.00 | 11/30/2023 14:03 |
| MEP-23-165 | Mechanical, Electrical & Plumbing (MEP) Application | Virginia Department of Housing Levy | \$1.20 | 11/30/2023 14:03 |
| MEP-23-166 | Mechanical, Electrical & Plumbing (MEP) Application | Mechanical Fees | \$88.00 | 11/30/2023 15:33 |
| MEP-23-166 | Mechanical, Electrical & Plumbing (MEP) Application | Virginia Department of Housing Levy | \$1.76 | 11/30/2023 15:33 |
| MEP-23-164 | Mechanical, Electrical & Plumbing (MEP) Application | Electrical Fees | \$88.00 | 11/28/2023 16:08 |
| MEP-23-164 | Mechanical, Electrical & Plumbing (MEP) Application | Virginia Department of Housing Levy | \$1.76 | 11/28/2023 16:08 |
| MEP-23-163 | Mechanical, Electrical & Plumbing (MEP) Application | Electrical Fees | \$70.00 | 11/29/2023 16:26 |
| MEP-23-163 | Mechanical, Electrical & Plumbing (MEP) Application | Virginia Department of Housing Levy | \$1.40 | 11/29/2023 16:26 |
| BLD-23-122 | General Building Permit Application | Building Permit Fee | \$68.00 | 11/22/2023 13:41 |
| BLD-23-122 | General Building Permit Application | Virginia Department of Housing Levy | \$1.36 | 11/22/2023 13:41 |
| MEP-23-162 | Mechanical, Electrical & Plumbing (MEP) Application | Electrical Fees | \$50.00 | 11/20/2023 21:42 |
| MEP-23-162 | Mechanical, Electrical & Plumbing (MEP) Application | Virginia Department of Housing Levy | \$1.00 | 11/20/2023 21:42 |
| FENC-23-37 | Fence Permit Application | Virginia Department of Housing Levy | \$0.70 | 11/27/2023 22:18 |
| FENC-23-37 | Fence Permit Application | Building Permit Fee | \$35.00 | 11/27/2023 22:18 |
| FENC-23-36 | Fence Permit Application | Virginia Department of Housing Levy | \$0.70 | 11/17/2023 14:07 |
| FENC-23-36 | Fence Permit Application | Building Permit Fee | \$35.00 | 11/17/2023 14:07 |
| BLD-23-121 | General Building Permit Application | Building Permit Fee | \$40.00 | 11/17/2023 12:52 |
| BLD-23-121 | General Building Permit Application | Virginia Department of Housing Levy | \$0.80 | 11/17/2023 12:52 |
| MEP-23-161 | Mechanical, Electrical & Plumbing (MEP) Application | Mechanical Fees | \$35.00 | 11/15/2023 20:35 |
| MEP-23-161 | Mechanical, Electrical & Plumbing (MEP) Application | Virginia Department of Housing Levy | \$0.70 | 11/15/2023 20:35 |
| MEP-23-160 | Mechanical, Electrical & Plumbing (MEP) Application | Mechanical Fees | \$136.00 | 11/15/2023 16:03 |
| MEP-23-160 | Mechanical, Electrical & Plumbing (MEP) Application | Virginia Department of Housing Levy | \$2.72 | 11/15/2023 16:03 |
| BDAS-23-50 | Accessory Structure Application | Building Permit Fee | \$35.00 | 11/15/2023 15:35 |
| BDAS-23-50 | Accessory Structure Application | Virginia Department of Housing Levy | \$0.70 | 11/15/2023 15:35 |
| BLD-23-120 | General Building Permit Application | Building Permit Fee | \$40.00 | 11/15/2023 13:41 |
| BLD-23-120 | General Building Permit Application | Virginia Department of Housing Levy | \$0.80 | 11/15/2023 13:41 |
| TENT-23-1 | Temporary Tents greater than 900 sq.ft. | Temporary Tent | \$25.00 | 11/14/2023 21:24 |
| BLD-23-119 | General Building Permit Application | Building Permit Fee | \$80.00 | 11/14/2023 17:11 |
| BLD-23-119 | General Building Permit Application | Virginia Department of Housing Levy | \$1.60 | 11/14/2023 17:11 |
| MEP-23-159 | Mechanical, Electrical & Plumbing (MEP) Application | Electrical Fees | \$70.00 | 11/13/2023 15:21 |
| MEP-23-159 | Mechanical, Electrical & Plumbing (MEP) Application | Virginia Department of Housing Levy | \$1.40 | 11/13/2023 15:21 |
| BDAS-23-49 | Accessory Structure Application | Building Permit Fee | \$35.00 | 11/27/2023 14:03 |
| BDAS-23-49 | Accessory Structure Application | Virginia Department of Housing Levy | \$0.70 | 11/27/2023 14:03 |
| BDAS-23-48 | Accessory Structure Application | Building Permit Fee | \$35.00 | 11/9/2023 15:44 |
| BDAS-23-48 | Accessory Structure Application | Virginia Department of Housing Levy | \$0.70 | 11/9/2023 15:44 |
| MEP-23-157 | Mechanical, Electrical & Plumbing (MEP) Application | Mechanical Fees | \$108.00 | 11/9/2023 14:38 |
| MEP-23-157 | Mechanical, Electrical & Plumbing (MEP) Application | Virginia Department of Housing Levy | \$2.16 | 11/9/2023 14:38 |
| MEP-23-158 | Mechanical, Electrical & Plumbing (MEP) Application | Mechanical Fees | \$35.00 | 11/9/2023 14:39 |
| MEP-23-158 | Mechanical, Electrical & Plumbing (MEP) Application | Virginia Department of Housing Levy | \$0.70 | 11/9/2023 14:39 |
| MEP-23-155 | Mechanical, Electrical & Plumbing (MEP) Application | Electrical Fees | \$60.00 | 11/9/2023 18:02 |
| MEP-23-155 | Mechanical, Electrical & Plumbing (MEP) Application | Virginia Department of Housing Levy | \$1.20 | 11/9/2023 18:02 |
| SIGN-23-28 | Sign Permit | Sign Permit Fee | \$10.60 | 11/9/2023 19:46 |
| SIGN-23-28 | Sign Permit | Virginia Department of Housing Levy | \$2.00 | 11/20/2023 21:51 |
| SIGN-23-28 | Sign Permit | Sign Permit Fee | \$89.40 | 11/20/2023 21:51 |

| | | | | |
|------------|---|-------------------------------------|----------|------------------|
| FENC-23-35 | Fence Permit Application | Virginia Department of Housing Levy | \$1.20 | 11/8/2023 13:39 |
| FENC-23-35 | Fence Permit Application | Building Permit Fee | \$60.00 | 11/8/2023 13:39 |
| MEP-23-154 | Mechanical, Electrical & Plumbing (MEP) Application | Plumbing Fees | \$50.00 | 11/6/2023 16:00 |
| MEP-23-154 | Mechanical, Electrical & Plumbing (MEP) Application | Virginia Department of Housing Levy | \$1.00 | 11/6/2023 16:00 |
| BLD-23-116 | General Building Permit Application | Building Permit Fee | \$517.00 | 11/17/2023 21:16 |
| BLD-23-116 | General Building Permit Application | Virginia Department of Housing Levy | \$14.10 | 11/17/2023 21:16 |
| BLD-23-116 | General Building Permit Application | Electrical Fees | \$50.00 | 11/17/2023 21:16 |
| BLD-23-116 | General Building Permit Application | Mechanical Fees | \$88.00 | 11/17/2023 21:16 |
| BLD-23-116 | General Building Permit Application | Plumbing Fees | \$50.00 | 11/17/2023 21:16 |
| MEP-23-153 | Mechanical, Electrical & Plumbing (MEP) Application | Electrical Fees | \$50.00 | 11/2/2023 15:54 |
| MEP-23-153 | Mechanical, Electrical & Plumbing (MEP) Application | Virginia Department of Housing Levy | \$1.00 | 11/2/2023 15:54 |
| CO-23-32 | Certificate of Occupancy | Certificate of Occupancy Fee | \$25.00 | 11/1/2023 19:24 |
| SIGN-23-27 | Sign Permit | Virginia Department of Housing Levy | \$2.32 | 11/9/2023 19:45 |
| SIGN-23-27 | Sign Permit | Sign Permit Fee | \$116.00 | 11/9/2023 19:45 |
| BLD-23-115 | General Building Permit Application | Building Permit Fee | \$778.00 | 11/6/2023 16:23 |
| BLD-23-115 | General Building Permit Application | Virginia Department of Housing Levy | \$22.04 | 11/6/2023 16:23 |
| BLD-23-115 | General Building Permit Application | Electrical Fees | \$92.00 | 11/6/2023 16:23 |
| BLD-23-115 | General Building Permit Application | Mechanical Fees | \$140.00 | 11/6/2023 16:23 |
| BLD-23-115 | General Building Permit Application | Plumbing Fees | \$92.00 | 11/6/2023 16:23 |
| MEP-23-147 | Mechanical, Electrical & Plumbing (MEP) Application | Reinspection after 2x | \$25.00 | 11/20/2023 18:44 |
| | | | 67.72 | |
| | | | 3411.00 | |
| | | | 3478.72 | |

| Permit/ Issued Date | Applicant Name | Property Owner Name | Cost of Construction | Mechanical: | Electrical: | Plumbing, Gas | Description of Proposed Improvements | Zoning |
|---------------------|----------------|---------------------------|----------------------|--------------------|-------------------|-------------------|---|--------|
| 11/22/2023 | Scott Marshall | MJC Properties Paul Morin | \$17,000.00 | | | | Demo select walls and doors, to get ready for proposed remodel for new tenant. Demo drawings attached, construction drawings will be provided under separate permit | R-3 |
| 11/17/2023 | Tyler Kendrick | | \$9,060.00 | | | | Re-Roofing | B-2 |
| 11/15/2023 | Tim Viars | Derick Williams | \$9,700.00 | | | | two decks one 8'-0"x16'-0" and second is 22'-0"x8'-0" | R-1 |
| 11/14/2023 | Madison Moyer | | \$19,484.78 | | | | Install 1 Dehu // 1375 SQFT CrawlSeal // 1375 SQFT Drainage Matting // 800 SQFT ExtremeBloc | M-1 |
| 11/17/2023 | David Schmidt | Compass Developers | \$138,998.00 | \$7,000.00 | \$2,000.00 | \$1,998.00 | New Home Lot #29 | R-3 |
| 11/20/2023 | Brad Hughes | Bill Smith | \$225,001.00 | \$20,000.00 | \$7,500.00 | \$7,500.00 | Single Family Dwelling | R-3 |
| | | | | | | | | |
| | | | | | | | | |
| | | Total | \$419,243.78 | \$27,000.00 | \$9,500.00 | \$9,498.00 | | |

| Permit/Issued Date | Owner Name | Applicant Name | Electrical Cost: | Plumbing Cost: | Mechanical Cost: | Description of Proposed Improvements | Zoning |
|--------------------|-----------------|-----------------|--------------------|-------------------|--------------------|--|--------|
| 11/30/2023 | David Petrunyak | David Petrunyak | \$2,500.00 | | | Install General Generator | R-2 |
| 11/30/2023 | | Randy Compton | | | \$6,700.00 | Gas furnace change out only | R-3 |
| 11/28/2023 | Arlene Crockett | Lauren Harless | \$6,900.00 | | | 11 roof mounted solar panels - wire to code | R-1 |
| 11/29/2023 | Richard Brenner | Brandon Edmonds | \$3,181.00 | | | No AEP account number - customer to get work order number. Service upgrade | A-1 |
| 11/20/2023 | | Andy Sayers | \$1,800.00 | | | Car Charger and GFCI Circuit in basement | R-2 |
| 11/15/2023 | | William Hylton | | | \$500.00 | Gas Lines for logs | B-2 |
| 11/15/2023 | | Randy Compton | | | \$18,850.00 | New full HVAC install on main floor | R-2 |
| 11/13/2023 | | Phillip Alley | \$3,400.00 | | | Electrical service entrance upgrade. 100 to 200 amp service | B-1 |
| 11/9/2023 | | Randy Compton | | | \$12,000.00 | Installing new gas furnace | R-1M |
| 11/9/2023 | | Basil Fowler | | | \$200.00 | Gas Lines for new heating unit | R-1M |
| 11/9/2023 | Brad Litton | Landon Sayers | \$3,000.00 | | | Upgrading to 200 amp Service | R-2 |
| 11/6/2023 | | Clayton Ayers | | \$1,200.00 | | Repair plumbing line | R-2 |
| 11/2/2023 | Laurie Felts | Brandon Edmonds | \$1,259.00 | | | Run wire out of panel and through the floor joists in the basement to the desired location (right side of the house facing the street) and install an outdoor box with GFCI and bubble cover. Run wire in conduit out of meter base, down into the ground and dig trench from meter base to building and install a GFCI outlet inside of the building. | R-2 |
| | | | | | | | |
| | | | | | | | |
| | | Total | \$22,040.00 | \$1,200.00 | \$38,250.00 | | |

| Permit/ Issued Date | Name of Applicant | Name of the Property Owner | Fence Structure Cost | Electrical Cost: | Mechanical Cost: | Description of Proposed Improvements | Zoning |
|---------------------|-------------------|----------------------------|----------------------|------------------|------------------|--|--------|
| 11/27/2023 | Shawn Ludwig | | 3,500.00 | | | Five Foot Black Chain Link Fence | R-3 |
| 11/17/2023 | Oscar Diaz | Derek Williams | 5,000.00 | | | 4' wood spaced picket | R-1 |
| 11/8/2023 | Mark Rich | | 15,000.00 | | | We are installing 265' of white, six foot tall vinyl privacy fence around our back and side yard. It will be installed at least one foot inset from any property lines | R-3 |
| | | | | | | | |
| | | Total | \$23,500.00 | \$0.00 | \$0.00 | | |

| Permit Issued Date | Applicant Name | Property Owner Name | Cost of Construction | Electrical Cost | Mechanical Cost | Plumbing Cost | Description of Proposed Improvements | Zoning |
|--------------------|----------------|---------------------|----------------------|-----------------|-----------------|---------------|---|--------|
| 11/15/2023 | | | 2,999.00 | | | | 14'-0"x16'-0" Storage Building | R-2 |
| 11/27/2023 | Kristen Lacey | Kristen Lacey | 7,243.00 | | | | 10' x 16' Board and Batten storage shed | R-3 |
| 11/9/2023 | Kristie Jones | | 7,365.00 | | | | 12'-0"x28'-0" | R-3 |
| | | | | | | | | |
| | | Total | \$17,607.00 | \$0.00 | \$0.00 | \$0.00 | | |



Please send along a thank you to Town Council for their commitment again this year to allowing town employees to enter and contribute to the mission of HOPE inc. by allowing staff the opportunity to participate in the Thanksgiving Day Stuffed Strut 5K. It was a great way to start the holiday season. Have a great day.

Joshua B. Sharitz - CPRP
Director of Parks and Recreation
Town of Wytheville
o. 276-223-3515
Email: joshua.sharitz@wytheville.org

