

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL
HELD IN THE COUNCIL CHAMBERS ON MONDAY, NOVEMBER 23, 2020, AT 7:00 P.M.**

Members present: Beth A. Taylor, Cathy D. Pattison, Mark J. Bloomfield, Holly E. Atkins, Gary L. Gillman

Members absent: None

Others present: Town Manager Stephen A. Moore, Assistant Town Manager T. Brian Freeman, Town Clerk Sharon G. Corvin, Coy McRoberts, Donald W. Cook, Jr., Andy Kegley, Sergeant Lonnie Anders

RE: CALL TO ORDER, QUORUM, PLEDGE

Mayor Taylor called the meeting to order and established that a quorum of Council members was present. The Pledge of Allegiance was led by Councilman Bloomfield.

RE: CONSENT AGENDA

Mayor Taylor presented the consent agenda consisting of the minutes of the regular meeting of November 9, 2020. She inquired if there was a motion to approve the consent agenda as presented or to somehow be amended. A motion was made by Councilman Gillman and seconded by Councilman Bloomfield to approve the consent agenda consisting of the minutes of the regular meeting of November 9, 2020, as presented. Mayor Taylor inquired if there was any discussion on the motion to approve the consent agenda. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Beth A. Taylor, Cathy D. Pattison, Mark J. Bloomfield, Holly E. Atkins, Gary L. Gillman. Against: None.

**RE: PUBLIC HEARINGS – MCROBERTS AUTO, LLC AND DONALD W. COOK, JR.,
SPECIAL EXCEPTION PERMIT REQUEST**

Mayor Taylor advised that the meeting constituted a public hearing (due notice having been given) to consider the request of McRoberts Auto, LLC and Donald W. Cook, Jr. for a Special Exception Permit to operate a Towing Service Storage Lot on property located on the northwest side of Cassell Road running parallel to Longview Drive, in a B-2 Business District. She stated that Mr. Donald W. Cook, Jr. has noted on the sign in sheet that he wished to address the Council regarding this public hearing.

Mr. Donald W. Cook, Jr. was recognized and stated that he resides at 640 South 4th Street in Wytheville. He commented that he attended the Wytheville Planning Commission public hearing for his Special Exception Permit request to operate a Towing Service Storage Lot on Cassell Road. He inquired if the Council had any questions regarding his Special Exception Permit request for a Towing Service Storage Lot on Cassell Road. Mayor Taylor inquired of the Council if they had any questions or comments for Mr. Cook or Mr. McRoberts. She commented that she attended that Planning Commission public hearing, and she heard all of the dialogue during that meeting. Mayor Taylor stated that she would like to note that during that meeting, there was some very good conversation between Mr. Cook and the Planning Commissioners in regard to working through the details of this request. She inquired if there were any other comments or questions for Mr. Cook. Councilwoman Atkins inquired of Mr. Cook if there was another location in town that he has considered locating the business, if the Council denies the request. Mr. Cook remarked that they are still looking, as far as the cost of rent, location, zoning, etc. He noted that several places he has looked at in town to locate his business seem to be located in residential areas, and he is not sure what the areas are zoned. Councilwoman Atkins inquired of the Council if there is someone who could work with Mr. Cook regarding the zoning in town and possible locations that would be suitable for the type of business he is wanting to operate in town. She remarked that maybe this is something that is already taking place, but she is only trying to help. Mr. Cook commented that he would like to centrally locate his business. Councilwoman Atkins inquired of Town Manager Moore as to which Town Department that Mr. Cook would go to for help. Assistant Town Manager Freeman advised that the main issue that Mr. Cook has at this time is that Towing and Wrecker Services is not a permitted use as a stand alone business in any Zoning District. He explained that there is no definition or provision in the Zoning Ordinance that allows a tow lot. Assistant Town Manager Freeman commented that, in essence, the business that Mr. Cook is trying to locate in town is not allowed, therefore, that is why he is trying to get a Special Exception Permit. He remarked that in all reality, there is not a Zoning District for Mr. Cook to locate his business. Assistant Town Manager Freeman continued to discuss the issue with Mr. Cook's request. Mr. Cook inquired of Assistant Town Manager Freeman if he could clarify for him where a tow lot is allowed in town due to the zoning regulations. Assistant Town Manager Freeman explained that a tow lot does not have to be incorporated with a garage, etc. for a Special Exception Permit, however, the tow lot cannot be by itself as a by right use. He noted that what this means is that a person can own a towing and wrecker service with a garage in an M-1 Industrial Zoning District. Assistant Town Manager Freeman stated, therefore, if Mr. Cook could find a lot that fits his needs, and it was located in

an M-1 Industrial Zoning District, by right, Mr. Cook could operate a towing and wrecker service there if it was operated with an auto garage. He commented, however, at this time, this is not a permitted use anywhere in town, which is why a Special Exception Permit is required. Town Manager Moore expressed that Town Staff can work on trying to help Mr. Cook find some potential sites that might be a better location and would also be available with a Special Exception Permit. Councilman Bloomfield inquired of Town Manager Moore if the Wytheville Planning Commission is reviewing the towing and wrecker services to allow them as a permitted use. Assistant Town Manager Freeman stated that is correct, and he noted that it has been ongoing for almost a year. Mayor Taylor commented that the Planning Commission stated at their meeting that Mr. Cook's business is definitely needed in the town, however, the majority of Commissioners felt that the particular location that Mr. Cook had picked was simply not the right place. Mayor Taylor inquired if there were any other questions or comments for Mr. Cook. Councilwoman Atkins noted that she would appreciate Town Staff following up with Mr. Cook regarding a possible location in town that may be a suitable location for his proposed business. Assistant Town Manager Freeman advised that Town Staff would follow up with Mr. Cook. Mr. Cook thanked the Council for allowing him to speak during the public hearing. Mayor Taylor thanked Mr. Cook for his comments. Mayor Taylor stated that there are no other citizens attending the meeting to address the Council regarding this public hearing, therefore, she would declare the public hearing closed and proceed with the agenda.

RE: PUBLIC HEARINGS – REZONING OF VARIOUS PROPERTIES ON FAIRVIEW ROAD

Mayor Taylor advised that the meeting constituted a public hearing (due notice having been given) to consider the rezoning of 675, 705, 725, 745, 765 and 795 Fairview Road, which is located on the west side of Fairview Road between Ager Drive and North Fourth Street, from M-1 Industrial to R-3 Residential. Mayor Taylor stated that there are no citizens attending the meeting to address the Council regarding this public hearing, therefore, she would declare the public hearing closed and proceed with the agenda.

RE: CITIZENS' PERIOD

Mayor Taylor advised that the next agenda item is Citizens' Period. She noted that there are no citizens listed on the sign in sheet who stated that they wished to address the Council during Citizens' Period. Mayor Taylor inquired of the citizens attending the meeting if anyone had

changed their minds and wished to address the Council at this time. There being none, she proceeded with the agenda.

RE: OLD BUSINESS

Under Old Business, Town Manager Moore advised that he did not have anything to report to the Council. He noted that he would have some New Business items to address.

RE: BUDGET AND FINANCE COMMITTEE REPORT

Councilman Bloomfield reported for the Budget and Finance Committee. The Budget and Finance Committee report was entered into the record as follows: The Town has received concerns from hotel and motel owners about the significant decline in their revenues due to COVID-19, and several have asked if there was anything that the Town could do to help them through this difficult economic time. Lodging Tax is a significant source of revenue for the Town, and this decline has had a major effect on the Town's financial resources, however, we are sympathetic to their situation and to all the businesses and citizens in town. It would be the recommendation of the Budget and Finance Committee that the Real Estate Tax deadline be extended for 90 days, or until March 5, 2021. We would, also, like to remind our Wytheville hoteliers and business owners about the mortgage relief funding that the Town has implemented with Community Development Block Grant Funds. The Program is being managed by a team of local economic development partners from Downtown Wytheville, Incorporated (DTW), the Joint Industrial Development Authority of Wythe County (JIDA) and the Wytheville-Wythe-Bland Chamber of Commerce. The JIDA also has grant funds available to help relieve local businesses. We would strongly urge all our businesses to apply for these resources. The JIDA and DTW will assist businesses in applying for these funds. A motion was made by Councilman Bloomfield and seconded by Councilwoman Atkins to extend the Real Estate Tax due date for all businesses and citizens for 90 days, or until March 5, 2021. Mayor Taylor inquired if there was any discussion on the motion to extend the Real Estate Tax due date for all businesses and citizens in town for 90 days, or until March 5, 2021. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Beth A. Taylor, Cathy D. Pattison, Mark J. Bloomfield, Holly E. Atkins, Gary L. Gillman. Against: None.

While the number of COVID-19 cases in Virginia is comparatively low, Virginia is experiencing increases in COVID-19 cases, and Governor Northam has initiated a number of additional restrictions that are aimed at reducing the potential for spreading COVID-19. These restrictions will affect local businesses, such as bars and restaurants, by placing further restrictions on hours of operation and further limiting the number of in-person gatherings, both inside and outside, from 250 people to 25 people. The restriction requires that all Virginians, five and older, wear face coverings when in public spaces. Restrictions for essential retail businesses are now enforceable by the Virginia Department of Health (VDH) as a class one misdemeanor. This will have a direct effect on our Meeting Center and Recreation and Fitness Center. At present, youth athletics will continue registrations, however, they will be postponed until after the first of 2021. The feasibility of holding these programs will continue to be evaluated going forward. All the Town's facilities are complying with these restrictions. We apologize for any disruption to our services, but our goal is the same as that of Governor Northam, to keep our citizens safe from the COVID-19 virus. A copy of the Budget and Finance Committee report is attached and made part of these minutes.

RE: PUBLIC WORKS COMMITTEE REPORT

Councilman Gillman reported for the Public Works Committee. The Public Works Committee report was entered into the record as follows: At the intersection of Marshall and Main Streets, we have had a continual problem with tractor trailer trucks damaging the guardrail on the southeastern corner of the intersection. The Public Works Committee looked at this problem and proposed combining the right turn lane with the left hand and straight ahead lane to provide a greater turning radius for trucks turning right. We are happy to report that the Public Works Department has completed this revision, and the new configuration appears to be allowing good traffic flow while also providing tractor trailer trucks more room to make the turn. We would like to thank the Public Works Department for their quick response to our request.

The Public Works Committee is pleased to report that the fall paving schedule has been completed, and that the pavement marking contract has also been completed. The Public Works Department has continued to address final finish work adjacent to the paving, and most of that work should be completed within the next few days. We appreciate the patience of our citizens during this disruptive time, and we commend W & L Construction, Inc. for their efficiency in their work, which helped to lessen the impact to our citizens. A copy of the Public

Works Committee report is attached and made part of these minutes. Mayor Taylor expressed that she has received several good comments from citizens regarding the paving.

RE: NEW BUSINESS

Under New Business, Town Manager Moore reported the following:

1. The next Council Work Session will be held on Tuesday, November 24, 2020, at 7:00 a.m., in the Council Chambers.
2. Due to the Thanksgiving holiday on Thursday, November 26, 2020, and Friday, November 27, 2020, the Town Municipal Offices will be closed and all services curtailed.
3. The Joint Governing Bodies meeting scheduled for Monday, November 30, 2020, has been canceled.
4. The Joint Industrial Development Authority of Wythe County will meet on Thursday, December 3, 2020, at 3:00 p.m., in the Council Chambers of the Municipal Building.

RE: ORDINANCE NO. 1391

Mayor Taylor presented Ordinance No. 1391, an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, to rezone property located at 675, 705, 725, 745, 765 and 795 Fairview Road, which is located on the west side of Fairview Road between Ager Drive and North Fourth Street, from M-1 Industrial to R-3 Residential, on first reading. She continued to explain the details of the ordinance to the Council, and explained that the recommendation from the Wytheville Planning Commission is that the rezoning be approved. Mayor Taylor inquired if there is a motion to approve or deny the rezoning of the property. A motion was made by Councilman Bloomfield and seconded by Vice-Mayor Pattison to adopt Ordinance No. 1391, an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, to rezone property located at 675, 705, 725, 745, 765 and 795 Fairview Road, which is located on the west side of Fairview Road between Ager Drive and North Fourth Street, from M-1 Industrial to R-3 Residential, on first and final reading. Mayor Taylor inquired if there was any discussion on the motion to adopt the ordinance on first

and final reading. There being none, the motion was approved with the following voting in favor and there being no opposition:

FOR: Beth A. Taylor, Cathy D. Pattison, Mark J. Bloomfield, Holly E. Atkins,
Gary L. Gillman

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1391 was adopted on first and final reading.

RE: ISSUANCE OF SPECIAL EXCEPTION PERMIT – MCROBERTS AUTO, LLC AND DONALD W. COOK, JR.

Mayor Taylor advised the next agenda item is the issuance of a Special Exception Permit to McRoberts Auto, LLC and Donald W. Cook, Jr. to operate a Towing Service Storage Lot on property located on the northwest side of Cassell Road running parallel to Longview Drive, in a B-2 Business District. She remarked that she failed to mention earlier during the public hearing that Town Staff received three letters of opposition regarding the Special Exception Permit request. Mayor Taylor noted that the recommendation from the Wytheville Planning Commission is that the request be denied and that the Special Exception Permit not be issued. She inquired if there is a motion regarding the issuance of the Special Exception Permit. A motion was made by Vice-Mayor Pattison and seconded by Councilman Bloomfield to deny the issuance of a Special Exception Permit to McRoberts Auto, LLC and Donald W. Cook, Jr. to operate a Towing Service Storage Lot on property located on the northwest side of Cassell Road running parallel to Longview Drive, in a B-2 Business District. Mayor Taylor inquired if there was any discussion on the motion. Vice-Mayor Pattison expressed that she had a lot of correspondence from residents who live in the area near the proposed location, and those residents are absolutely against the request. Discussion continued regarding the location of the business. Mayor Taylor inquired if there was any further discussion regarding the issuance of the Special Exception Permit. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Beth A. Taylor, Cathy D. Pattison, Mark J. Bloomfield, Holly E. Atkins, Gary L. Gillman. Against: None.

RE: DEERFIELD SUBDIVISION

Mayor Taylor advised that the next agenda item is to consider the recommendation from the Wytheville Planning Commission regarding a request to approve a change to the final plat for the Deerfield Subdivision. She inquired if there is a motion to change the final plat for the Deerfield Subdivision. A motion was made by Councilman Bloomfield and seconded by Councilman Gillman to approve a change to the final plat for the Deerfield Subdivision to change the use of a vacant lot from green space to residential use. Mayor Taylor inquired if there was any discussion regarding the approval of the change to the final plat for the Deerfield Subdivision. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Beth A. Taylor, Cathy D. Pattison, Mark J. Bloomfield, Holly E. Atkins, Gary L. Gillman. Against: None.

RE: CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Mayor Taylor advised that the next agenda item is to set a public hearing to consider renewing the Certificate of Public Convenience and Necessity during 2021 for 276 Town Express, LLC for the operation of taxicabs. She noted that the public hearing could be scheduled for the Monday, December 14, 2020, Council meeting. A motion was made by Councilman Bloomfield and seconded by Vice-Mayor Pattison to set a public hearing for the December 14, 2020, Town Council meeting to consider renewing the Certificate of Public Convenience and Necessity during 2021 for 276 Town Express, LLC for the operation of taxicabs. Mayor Taylor inquired if there was any discussion in regard to setting the public hearing for December 14, 2020. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Beth A. Taylor, Cathy D. Pattison, Mark J. Bloomfield, Holly E. Atkins, Gary L. Gillman. Against: None.

RE: ADJOURNMENT

There being no further business to be discussed, a motion was duly made, seconded and carried to adjourn the meeting (7:23 p.m.).

Beth A. Taylor, Mayor

Sharon G. Corvin, CMC, Town Clerk

PUBLIC WORKS COMMITTEE REPORT

NOVEMBER 23, 2020

1. At the intersection of Marshall and Main Streets, we have had a continual problem with tractor trailer trucks damaging the guardrail on the southeastern corner of the intersection. The Public Works Committee looked at this problem and proposed combining the right turn lane with the left hand and straight ahead lane to provide a greater turning radius for trucks turning right. We are happy to report that the Public Works Department has completed this revision, and the new configuration appears to be allowing good traffic flow while also providing tractor trailer trucks more room to make the turn. We would like to thank the Public Works Department for their quick response to our request.

2. The Public Works Committee is pleased to report that the fall paving schedule has been completed, and that the pavement marking contract has also been completed. The Public Works Department has continued to address final finish work adjacent to the paving, and most of that work should be completed within the next few days. We appreciate the patience of our citizens during this disruptive time, and we commend W & L Construction, Inc. for their efficiency in their work, which helped to lessen the impact to our citizens.

Cathy D. Pattison

Gary L. Gillman

BUDGET AND FINANCE COMMITTEE REPORT

NOVEMBER 23, 2020

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a number of additional restrictions that are aimed at reducing the potential for spreading COVID-19. These restrictions will affect local businesses, such as bars and restaurants, by placing further restrictions on hours of operation and further limiting the number of in-person gatherings, both inside and outside, from 250 people to 25 people. The restriction requires that all Virginians, five and older, wear face coverings when in public spaces. Restrictions for essential retail businesses are now enforceable by the Virginia Department of Health (VDH) as a class one misdemeanor.

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Mark J. Bloomfield

Holly E. Atkins