

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE TOWN COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON MONDAY, AUGUST 14, 2017, AT 7:00 P.M.**

Members present: Jacqueline K. King, Thomas F. Hundley, Joseph E. Hand, Jr., Beth A. Taylor

Members absent: Trenton G. Crewe, Jr.

Others present: Town Manager C. Wayne Sutherland, Jr., Town Clerk Sharon G. Corvin, Assistant Town Manager Stephen A. Moore, Madeline Brown, Jennifer Anders, Marie B. Bishop, Bobby Anders, Dakota Brown, Rick Showalter, Becky Grubb, Pat Snapp, Tonia Johnson, Leanne Creger, Rhonda Sechrest, Ethan Lavalley, Danny Gordon, Holly Bockes, Jack Singleton, Police Officer Zach Taylor, Others

**RE: CALL TO ORDER, QUORUM, PLEDGE**

In the absence of Mayor Crewe, Vice-Mayor King called the meeting to order and established that a quorum of Council members was present. The Pledge of Allegiance was led by Councilman Hand.

**RE: CONSENT AGENDA**

Vice-Mayor King presented the consent agenda consisting of the minutes of the regular meeting of July 24, 2017, and the request of George Wythe High School for waiver of fees for use of Withers Park and McWane Shelter to hold a GWHS Meet the Maroons event to promote fall sports activities on Thursday, August 17, 2017, from 2:00 p.m. to 11:00 p.m. She inquired of the Council if there was a motion to approve the consent agenda as presented or to somehow be amended. A motion was made by Councilman Hundley and seconded by Councilwoman Taylor to approve the consent agenda consisting of the minutes of the regular meeting of July 24, 2017, and the request of George Wythe High School for waiver of fees for use of Withers Park and McWane Shelter to hold a GWHS Meet the Maroons event to promote fall sports activities on Thursday, August 17, 2017, from 2:00 p.m. to 11:00 p.m., as presented. Vice-Mayor King 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: For: Jacqueline K. King, Thomas F. Hundley, Joseph E. Hand, Jr., Beth A. Taylor. Against: None.

**RE: PUBLIC HEARING – ZONING ORDINANCE AMENDMENT**

Vice-Mayor King advised that the meeting constituted a public hearing (due notice having been given) to consider amending the Town of Wytheville Zoning Ordinance, Article III, Definitions, Subsection 3-12, Automobile Graveyard, and Subsection 3-46, Junk Yard. She inquired if there are any citizens who wished to address the Council during this public hearing. There being no one who wished to address the Council, Vice-Mayor King declared the public hearing closed and proceeded with the agenda.

**RE: CITIZENS' PERIOD**

Vice-Mayor King thanked the citizens for attending the Council meeting. She inquired if there were citizens who wished to address the Council in regard to a matter other than the Creative K-9 Designs special exception permit. There being no one who wished to address the Council, she proceeded with the agenda.

**RE: OLD BUSINESS**

Under Old Business, Town Manager Sutherland reported the following:

1. A Council Work Session will be held on Tuesday, August 15, 2017, at 7:00 a.m., in the Council Conference Room.
2. The Freedom Lane ribbon cutting will be held on Wednesday, August 16, 2017, at 1:30 p.m. He noted that Governor McAuliffe would be attending.
3. The Beautification Task Force will meet on Wednesday, August 16, 2017, at 2:30 p.m., in Conference Room A of the Municipal Building.
4. The New River Regional Water Authority will meet on Thursday, August 17, 2017, at 9:30 a.m., in Austinville.

5. The Council Personnel Committee will meet on Friday, August 18, 2017, at 8:15 a.m., at the Wytheville Recreation Center.
6. The Joint Industrial Development Authority will meet on Thursday, August 24, 2017, at 3:00 p.m., in Council Chambers.

#### **RE: BUDGET AND FINANCE COMMITTEE REPORT**

Councilwoman Taylor, reporting for the Budget and Finance Committee, stated that the Town's banking services are provided by National Bank, and they provide all of their services with no fees and offer a good interest rate on the Town's savings. She noted that the State law requires that any bank that has governmental money must guarantee that the Town's money will be available even if they were to default. Councilwoman Taylor explained that, generally speaking, most banks are not interested in collateralizing these funds to make this guarantee. She commented that National Bank has just extended its banking services, once again, to Wythe County. Councilwoman Taylor stated that Town Treasurer Stephens has suggested that the Council follow up on a letter that the Town received from National Bank and continue its banking services with them for another three years. She advised that the Budget and Finance Committee agrees with Town Treasurer Stephens, and it would be the motion of the Budget and Finance Committee that the Town renew its banking services with National Bank for another three years. A motion was made by Councilwoman Taylor and seconded by Vice-Mayor King to approve renewing the Town's banking services for another three years with National Bank and authorize the Town Manager and the Town Treasurer to execute the necessary documents. Vice-Mayor King 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: For: Jacqueline K. King, Thomas F. Hundley, Joseph E. Hand, Jr., Beth A. Taylor. Against: None.

Councilwoman Taylor, also, reported that later in the meeting, the Council will consider an ordinance amending the section of Town Code dealing with the taxation on cigarettes. She explained that, currently, the Town imposes a tax on cigarettes at the rate of 15 cents per package of 25 cigarettes. Councilwoman Taylor explained that, periodically, people who purchase cigarette tax stamps seek refunds for stamps that are unused. She remarked that the Town Code provides that the Treasurer shall provide for the reimbursement rate for stamps at the 90 percent level. Councilwoman Taylor commented that, this past year, the Virginia state law was amended that provides that the refund will be at the 100 percent level. She stated that later in the meeting, Council will consider an ordinance that changes the Town Code to reflect the new State law. Councilwoman Taylor noted that the language in the proposed ordinance states that the refund shall be as established from time to time by the Code of Virginia and this will eliminate the Town needing to revise its regulations each time the State law changes. She advised that when the ordinance is presented later in the meeting, it would be the recommendation of the Budget and Finance Committee that it be adopted on first and final reading. A copy of the Budget and Finance Committee report is attached and made part of these minutes.

#### **RE: PUBLIC WORKS COMMITTEE REPORT**

Councilman Hundley, reporting for the Public Works Committee, stated that several years ago, the Town used grant and loan funds from the Department of Environmental Quality to construct a structure and purchase the equipment necessary to utilize the methane being produced by the digester at the Town's sewage treatment plant. He explained that the methane being created by the digester serves as a good fuel for the generator that was installed at the plant. Councilman Hundley remarked that the purpose of using this methane to power the generator is such that it can have additional processes ongoing without the consumption of purchased electricity. He commented that this project has never worked successfully because the Town does not have sufficient gas storage to keep the generator operating for extended periods of time. Councilman Hundley stated that the Town is advised that it needs additional storage capacity and the cost of the equipment to provide this additional storage capacity is approximately \$250,000. He explained that the Town has learned that there are grant funds in the amount of \$100,000 available from the Mount Rogers Planning District Commission, which would be matched with \$150,000 of Town funds. Councilman Hundley stated that to access the grant funds from the Mount Rogers Planning District Commission, it is necessary for the Council to adopt a resolution requesting the funding. He advised that later in the meeting, when the resolution is considered, it would be the recommendation of the Public Works Committee that it be adopted.

Councilman Hundley, also, reported that last year, the Town's mowing regulations were amended and generally require that all properties be mowed at least three times per year or at a point in time when the height of the grass, weeds or vegetation exceeds twelve inches. He stated that the Town has spent considerable time, energy and money in the past year improving

all of the entrances into the community. Councilman Hundley stated that the Public Works Committee thinks that it is important that the corridors leading into the town be properly maintained. He noted that the Public Works Committee is not prepared to make a specific recommendation, but the Committee believes that properties along Main Street, North Fourth Street, Peppers Ferry Road and West Lee Highway should be mowed on a more routine basis. Councilman Hundley explained that the Public Works Committee is considering regulations that would require that properties along these corridors be mowed at least monthly. He commented that while the Public Works Committee has not developed specific concepts, it would be practical to mirror the other regulations that require the monthly mowing of all properties that are within 100 feet of these rights of way. Councilman Hundley stated that the Public Works Committee is going to continue to work on this concept and, hopefully, the Town will have a proposed ordinance available in September. He noted that the Council was pleased to learn that at the July 11, 2017, meeting of the Wythe County Board of Supervisors, they approved an ordinance which provides for the partial exemption from real estate taxation for certain rehabilitated commercial and industrial real estate properties created within the Enterprise Zone. Councilman Hundley remarked that the Council had advocated that Wythe County take this action because the Town thought that it would be beneficial to the properties within its Enterprise Zone, especially in the downtown area. He explained that the Town Council wanted to take this opportunity to publicly thank the Board of Supervisors for their action in providing this valuable incentive for the improvement of properties. Councilman Hundley thanked the Beautification Committee for all of their hard work. A copy of the Public Works Committee report is attached and made part of these minutes.

**RE: ORDINANCE NO. 1325**

Vice-Mayor King presented Ordinance No. 1325, an ordinance amending and reenacting Chapter 14, Taxation, Article IV. Cigarette Tax, Section 14-53. Preparation, Sale, Etc., of Stamps; Duties of Treasurer Generally, of the Code of the Town of Wytheville, Virginia, on first reading. A motion was made by Councilman Hundley and seconded by Councilman Hand to suspend the rules and adopt Ordinance No. 1325, an ordinance amending and reenacting Chapter 14, Taxation, Article IV. Cigarette Tax, Section 14-53. Preparation, Sale, Etc., of Stamps; Duties of Treasurer Generally, of the Code of the Town of Wytheville, Virginia, on first and final reading. Vice-Mayor King 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: Jacqueline K. King, Thomas F. Hundley, Joseph E. Hand, Jr., Beth A. Taylor

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1325 was adopted on first and final reading. She noted that it is effective immediately.

**RE: ORDINANCE NO. 1326**

Vice-Mayor King presented Ordinance No. 1326, an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, to amend and reenact Article III, Definitions, Subsection 3-12, Automobile Graveyard, and Subsection 3-46, Junk Yard, on first reading. A motion was made by Councilman Hand and seconded by Councilwoman Taylor to suspend the rules and adopt Ordinance No. 1326, an ordinance amending and reenacting Ordinance No. 640, generally known as the Zoning Ordinance, to amend and reenact Article III, Definitions, Subsection 3-12, Automobile Graveyard, and Subsection 3-46, Junk Yard, on first and final reading. Vice-Mayor King 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 results in favor and there being no opposition:

FOR: Jacqueline K. King, Thomas F. Hundley, Joseph E. Hand, Jr., Beth A. Taylor

AGAINST: None

ABSTENTIONS: None

Ordinance No. 1326 was adopted on first and final reading. She noted that it is effective immediately.

### **RE: RESOLUTION – CO-GENERATION PROJECT GRANT**

Vice-Mayor King advised the next agenda item is a resolution requested by the Mount Rogers Planning District Commission in support of a grant application in the amount of up to \$100,000 for the Co-generation Project. A motion was made by Councilman Hundley and seconded by Councilman Hand to adopt a resolution requested by the Mount Rogers Planning District Commission in support of a grant application in the amount of up to \$100,000 for the Co-generation Project. Vice-Mayor King inquired if there was any discussion on the motion to adopt the resolution requested by the Mount Rogers Planning District Commission. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Jacqueline K. King, Thomas F. Hundley, Joseph E. Hand, Jr., Beth A. Taylor. Against: None.

### **RE: APPOINTMENTS – BOARD OF ZONING APPEALS**

Vice-Mayor King advised the next agenda item is to consider the appointment or reappointment of a member to the Wytheville Board of Zoning Appeals to fill the expiring term of Mr. David Harrison (term expires September 10, 2017). A motion was made by Councilwoman Taylor and seconded by Councilman Hundley to reappoint Mr. David Harrison to the Wytheville Board of Zoning Appeals for a five year term (expires September 10, 2022). Vice-Mayor King inquired if there was any discussion on the motion. Town Manager Sutherland noted that this is a recommendation of the Town Council which will be referred to the Wythe County Circuit Court. Vice-Mayor King 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: For: Jacqueline K. King, Thomas F. Hundley, Joseph E. Hand, Jr., Beth A. Taylor. Against: None.

### **RE: APPOINTMENTS – WYTHEVILLE REDEVELOPMENT AND HOUSING AUTHORITY**

Vice-Mayor King advised the next agenda item is to consider the appointment or reappointment of members to the Wytheville Redevelopment and Housing Authority (terms expire September 8, 2017). A motion was made by Councilman Hand and seconded by Councilwoman Taylor to appoint Mr. Connie “Jack” Quesenberry and reappoint Mr. Danny McDaniel and Ms. Zareda Ward to the Wytheville Redevelopment and Housing Authority for four year terms (expire September 8, 2021). Vice-Mayor King 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: For: Jacqueline K. King, Thomas F. Hundley, Joseph E. Hand, Jr., Beth A. Taylor. Against: None.

### **RE: APPOINTMENTS – NEW RIVER REGIONAL WATER AUTHORITY**

Vice-Mayor King advised the next agenda item is to appoint or reappoint a member to the New River Regional Water Authority to fill the expired term of Town Manager Wayne Sutherland (term expired June 30, 2017). A motion was made by Councilwoman Taylor and seconded by Councilman Hand to reappoint Town Manager Sutherland to the New River Regional Water Authority for a four year term (term expires June 30, 2021). Vice-Mayor King 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: For: Jacqueline K. King, Thomas F. Hundley, Joseph E. Hand, Jr., Beth A. Taylor. Against: None.

### **RE: PLANNING COMMISSION RECOMMENDATION – SPECIAL EXCEPTION PERMIT REQUEST – CREATIVE K-9 DESIGNS**

Vice-Mayor King advised that the next agenda item is to consider the issuance of a special exception permit to Creative K-9 Designs for a special exception permit to operate a dog boarding/grooming business at 195 Calhoun Street, which is located on the east side of Calhoun Street between Jefferson Street and Withers Road, in an R-3 Residential District. She stated that Mr. Rick Showalter noted on the sign in sheet that he wished to address the Council in regard to this special exception permit request.

Mr. Rick Showalter was recognized and thanked the Council for allowing him to address them in regard to this request. Mr. Showalter stated that he presented a petition at the August Planning Commission meeting, which he was told had been shared with the Council, that had been signed by the neighbors of the business. He noted that the petition includes a map of the properties affected by the proposed special exception permit request. Mr. Showalter commented that he hoped the Council would take the petition into consideration. He continued to explain to the Council the reason he and his wife are opposed to the issuance of the special exception permit request. Mr. Showalter remarked that he hoped the Council will consider the property values, noise and other concerns of the neighborhood before making their decisions. Vice-Mayor King thanked Mr. Showalter for addressing the Council.

Ms. Jennifer Anders was recognized and thanked the Council for allowing her to address them. She noted that the Council has already seen the presentation, however, if they would like to see it again, she would be glad to present it. Ms. Anders inquired of the Council if they would or would not like to see the presentation and hear the noise testing again. Vice-Mayor King inquired if all of the Council members had seen the presentation and heard the noise testing. Councilwoman Taylor noted that she was absent for that meeting, however, she has since spoken to Ms. Anders regarding the request. Ms. Anders inquired of Councilwoman Taylor if she would like to see the presentation and hear the noise test. Councilwoman Taylor replied that it would not be necessary. Ms. Anders stated that she would like to thank the Wytheville Planning Commission, the Town Council and the residents of Wytheville for considering her request for a special exception permit to operate a dog boarding/grooming business at 195 Calhoun Street. She remarked that she appreciated the residents who opposed this permit during this process for conducting themselves in a professional manner. Ms. Anders explained that the only thing that has been an issue through the entire process is the consistent disrespect that she has received by Councilman Hand. She noted that Councilman Hand consistently reminded her that he is an expert in real estate but has not respected the fact that she is an expert in her field. Ms. Anders continued to explain to the Council her qualifications and expertise in her field of work. She commented that to be consistently challenged on her ability to handle dogs or even pick up feces is very disrespectful. Ms. Anders noted that she is also a former Police Officer for the City of Kingsport, Tennessee. She remarked that she found the consistent grilling of the same questioning over and over similar to a courtroom experience. Ms. Anders explained that she is not debating the issue, but she is just shedding light on this side of an issue in hopes that Councilman Hand will be more respectful to others' qualifications in the future. She thanked the Council for allowing her to address them regarding her request. Vice-Mayor King thanked Ms. Anders for addressing the Council. A motion was made by Councilman Hand to accept the recommendation from the Wytheville Planning Commission and deny the request of Creative K-9 Designs for a special exception permit to operate a dog boarding/grooming business at 195 Calhoun Street, which is located on the east side of Calhoun Street between Jefferson Street and Withers Road, in an R-3 Residential District, due to a lack of community support. Vice-Mayor King inquired if there is a second to the motion. Councilwoman Taylor explained to the Council that she was not present for Ms. Anders' presentation, however, she did go and speak to Ms. Anders and asked the questions she needed to ask to understand. She commented that she understands both Ms. Anders' side and Councilman Hand's side. Councilwoman Taylor stated that she lives in Loretto and there are approximately 12 dogs surrounding her property, including the three dogs her family owns. She remarked that the dogs bark at night and during the day. She noted that some are inside dogs and some are outside dogs. Councilwoman Taylor stated that no one wants to live around noise including barking dogs, railroads, etc. She explained that she does feel that the business is a wonderful concept, and she wanted her opinion to be known with the understanding that there should be stipulations on the permit, and it should be on a trial basis. Councilwoman Taylor stated that she does not see the harm in a trial period special exception permit. Councilman Hand remarked that he would like to make a few comments. He stated that he would like to apologize to Ms. Anders because it was certainly not his intent to disrespect her in any way at any time. Councilman Hand explained that his frustration was early on in letting her know that it is the Planning Commission's job to uphold zoning, etc. He noted that he loves the concept of the dog boarding/grooming business, but as a Planning Commissioner, he cannot recommend a dog kennel in a residential community regardless of what part of town it is located. Councilman Hand reiterated that he does apologize for anytime that Ms. Anders felt disrespected by him because that was not his intention. Vice-Mayor King inquired if there is a second to the motion of Councilman Hand. There being no second, the motion died. A motion was made by Councilwoman Taylor to approve the request of Creative K-9 Designs for a special exception permit to operate a dog boarding/grooming business at 195 Calhoun Street, which is located on the east side of Calhoun Street between Jefferson Street and Withers Road, in an R-3 Residential District, on a trial basis with stipulations. Councilman Hand explained to Councilwoman Taylor that the Planning Commission did set several stipulations if the permit were to be approved, including a fence to keep the dogs safe, which Ms. Anders was not willing to build at this time. He expressed that he feels a trial period is a mistake because the neighbors have already stated that they do not want the dog kennel in their neighborhood and that they are attending the Council meeting again to express just how much they do not want it. He stated that, personally, he does not want to have his phone ring off of the hook due to barking dogs. Councilman Hand advised that at the first complaint heard, the Council has the right to expel the special exception permit.

Mr. Jack Singleton was recognized and stated that he is the closest neighboring house to the business, and he is in favor of the business. He noted that he does not hear barking dogs from the business. Mr. Singleton continued to express his thoughts in regard to Ms. Anders' request. He noted that he would much rather see this business than the beer and cigarette store that

was there years ago. Mr. Singleton commented in regard to the property value issue. Vice-Mayor King thanked Mr. Singleton for his comments.

Councilwoman Taylor inquired of Ms. Anders if, currently, she and her staff take the dogs that she grooms at the business currently outside for bathroom breaks. Ms. Anders stated that they take the dogs out for breaks at least two times. Councilwoman Taylor remarked that, currently, there is not a fence at the business, and it does not seem to be an issue. She inquired of Councilman Hand if he would clarify for her what he meant when he stated that if the Council heard one complaint from the neighbors, the permit would be pulled. Councilwoman Taylor inquired of Councilman Hand why the permit would be pulled after one complaint, if the permit were issued on a trial basis. Councilman Hand explained that no one disagreed with the concept, however, it has to be taken serious at the time of voting that the neighbors are not in favor of the permit, and they will more than likely complain. He commented that as a real estate agent of 17 years, he felt that it is a mistake to put a kennel in the middle of a residential community. Councilman Hand continued to explain the reasoning behind the Planning Commission's recommendation. Councilwoman Taylor stated that the question she asked was if the permit could be pulled after one complaint. She noted that Councilman Hand gave her his opinion, and she is entitled to an opinion, as well, however, she is asking if it is a set requirement that the permit be pulled if the Council receives only one complaint after one day. Town Manager Sutherland advised that it would take Council action to pull the permit. Ms. Jennifer Anders explained the conditions to the Council that she presented to the Planning Commission that she would do. Mr. Singleton stated that in regard to the neighborhood, it is not unanimous that all of the property owners are against the permit. A discussion ensued regarding the neighborhood and who is possibly in favor of or against the business.

Ms. Rhonda Sechrest was recognized and stated that Ms. Anders seems like a nice person, however, this issue comes down to zoning. She noted that the Town has to be careful what precedent it establishes. Ms. Sechrest commented that people buy houses in residential zoning districts because nuisances are controlled or try to be controlled in those areas. She continued to express her thoughts in regard to the request. Ms. Sechrest commented that she thinks the business idea is great, however, the Council has to set a precedent and the next business owner may be a problem. Vice-Mayor King advised that the next business owner would be required to complete the same process. Councilman Hand inquired of Ms. Sechrest if she, as a real estate agent, could tell him if he is wrong in thinking that it is going to affect the property values and the selling of the homes in the neighborhood because of a dog kennel. Ms. Sechrest stated that she feels that it will affect property values and the selling of homes. Councilwoman Taylor inquired as to why if the building is already there, but with a different business, and inquired if it would look any differently whether or not dogs were there 24 hours a day versus 12 or 14 hours. Councilman Hand stated that he disagreed with Councilwoman Taylor because there will be a staff person who shows up to walk the dogs at 7:00 a.m. on Christmas morning, Thanksgiving morning or New Year's morning when everyone is out of town and they have their dogs there, and it does affect a residential community when there are 25 dogs there. He noted that when 25 dogs are brought out into a yard, there is going to be some disruption. Councilman Hand continued to discuss his feelings in regard to the issue. Councilwoman Taylor inquired of Councilman Hand if her reading material is correct, and that there will be a limit of ten to 20 dogs allowed at the business. Ms. Anders stated that there would be ten to 20 dogs, but it will vary. A discussion ensued regarding the day time kennel versus a 24 hour kennel. Councilman Hundley inquired of Ms. Anders as to the amount of money she would have to invest for her trial period if the special exception permit were approved. Ms. Anders stated that it would probably be close to \$5,000.00. Vice-Mayor King inquired of Ms. Anders what she would have to do to get ready for what they want to do. Ms. Anders explained that she would have to build the suites and she has four already constructed. She noted that for each of the four suites it was approximately \$1,000.00 because of the certain materials required for sanitation purposes. She continued to explain to the Council the additional items required for the business. Vice-Mayor King stated that she has been in the business before and it did not seem that there was enough room for all of the necessary things. Ms. Anders explained that grooming does not take up a lot of space, therefore, a lot of the building is vacant. She remarked that little dogs do not take up a lot of space. Ms. Anders commented that the four suites that already exist could house eight small dogs. Vice-Mayor King stated that there is a motion on the floor and inquired if there is a second. Councilman Hundley stated that he wanted to make a few comments. He expressed that he loved the concept that Ms. Anders has and would love to take his dog to a business like this, however, he is worried that if a trial period is chosen, Ms. Anders will lose her investment. He remarked that he is concerned that Ms. Anders will lose money.

Mr. Rick Showalter stated that his wife asked him speak on her behalf because she is out of town. He noted that his wife had been doing some research. Mr. Showalter explained that they were not looking so much at the conditions, but, rather, that it is a zoning issue. Mr. Showalter stated that his wife wanted to point out that the building is not owned by Ms. Anders, but, rather,

a County resident. He explained that Ms. Anders could go to another building in the correct zoning district and have a business there. He continued to express his thoughts regarding the permit request. Vice-Mayor King thanked Mr. Showalter for his comments. She inquired if anyone else had any further comments. Vice-Mayor King stated that, again, there is a motion on the floor from Councilwoman Taylor. Councilwoman Taylor repeated her motion to approve the request of Creative K-9 Designs for a special exception permit to operate a dog boarding/grooming business at 195 Calhoun Street, which is located on the east side of Calhoun Street between Jefferson Street and Withers Road, in an R-3 Residential District, on a trial basis with stipulations. Vice-Mayor King inquired if there is a second on the motion. There being none, the motion died on the table due to the lack of a second. A motion was made by Councilman Hand to accept the recommendation of the Wytheville Planning Commission and deny the request of Creative K-9 Designs for a special exception permit to operate a dog boarding/grooming business at 195 Calhoun Street, which is located on the east side of Calhoun Street between Jefferson Street and Withers Road, in an R-3 Residential District. Vice-Mayor King inquired if there is a second on the motion. There being none, the motion died on the table due to the lack of a second. Councilman Hand inquired of Town Clerk Corvin or Assistant Town Manager Moore if he is correct when he states that a business has to wait 11 months to reapply for another special exception permit. Assistant Town Manager Moore stated that is correct. Councilman Hundley commented that he is not seconding Councilman Hand or Councilwoman Taylor's motion because he does not see this as an easy solution. Town Manager Sutherland explained that there are several solutions that the Council could consider. He remarked that the Council could table the vote for the evening or table the vote until the next meeting. Town Manger Sutherland noted that it is at the Council's discretion. Vice-Mayor King stated that this is the second time the Council has voted on the issue. Councilman Hand remarked that it has been to the Planning Commission twice, as well. He expressed that he feels like a vote needs to be taken at this meeting. Councilman Hand stated that he recommends the Council table the request indefinitely or at least until the 11 month period is up and Ms. Anders can make another request. Vice-Mayor King commented that she thought that under Roberts Rules of Order, if there was a lack of a second on a motion, the motion dies. Town Clerk Corvin explained that the motion dies but not the issue. Councilwoman Taylor commented that she does respect the Planning Commission and their decision. Vice-Mayor King expressed that she feels sorry for Ms. Anders, however, the Council pays seven planners for them to do the planning for the Town of Wytheville. Town Clerk Corvin advised Vice-Mayor King that she is allowed to second a motion. Town Manager Sutherland stated that if there is not a motion to be seconded, then the Council does not vote, then nothing happens. A discussion ensued regarding what happens if it is a tie vote. Councilman Hundley suggested waiting until the next Council meeting to vote so that there is a fifth vote. Vice-Mayor King stated that she did not think it was fair to Ms. Anders because they have attended four meetings waiting on the decision. Councilman Hand remarked that he thinks it is unfair to Ms. Anders, as well. He commented that he thinks they have had all of the discussion that they could possibly have about this subject, as well. He noted that he thinks that there is nothing else that anyone else can say. Vice-Mayor King inquired of Ms. Anders if she understands where the Council is coming from. Mr. Danny Gordon stated that Roberts Rules of Order states that if there is no second to the motion, then the motion dies. He remarked that in regard to the action at this meeting, it is a dead motion because there is no real action. Vice-Mayor King stated that the Council is familiar with Roberts Rules of Order, and that is what they were discussing. Vice-Mayor King inquired if there is another motion in regard to this request. A motion was made by Councilman Hand and seconded by Vice-Mayor King to deny the request of Creative K-9 Designs for a special exception permit to operate a dog boarding/grooming business at 195 Calhoun Street, which is located on the east side of Calhoun Street between Jefferson Street and Withers Road, in an R-3 Residential District, due to the lack of the Wytheville Planning Commission's support and community support. Vice-Mayor King inquired if there was any discussion on the motion. There being none, there was the following voting results: For: Jacqueline K. King, Joseph E. Hand, Jr. Against: Thomas F. Hundley, Beth A. Taylor. Vice-Mayor King advised that due to a tie vote of the Council, no action was taken on the request of Creative K-9 Designs for a special exception permit to operate a dog boarding/grooming business at 195 Calhoun Street, which is located on the east side of Calhoun Street between Jefferson Street and Withers Road, in an R-3 Residential District, and, therefore, the request is now a dead issue.

#### **RE: ADJOURNMENT**

There being no further business to be discussed, a motion was duly made, seconded and carried to adjourn the meeting (7:15 p.m.).

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Jacqueline K. King, Vice-Mayor

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Sharon G. Corvin, Town Clerk



## **BUDGET AND FINANCE COMMITTEE REPORT**

**AUGUST 14, 2017**

1. The Town's banking services are provided by National Bank, and they provide all of their services with no fees and offer a good interest rate on our savings. The State law requires that any bank that has governmental money must guarantee that the Town's money will be available even if they were to default. Generally speaking, most banks are not interested in collateralizing these funds to make this guarantee. National Bank has just extended its banking services, once again, to Wythe County. Town Treasurer Stephens has suggested that we follow up on a letter that the Town received from National Bank and continue our banking services with them for another three years. We agree with Town Treasurer Stephens, and it would be the motion of the Budget and Finance Committee that we renew our banking services with National Bank for another three years.
2. Later in the meeting, the Council will consider an ordinance amending the section of Town Code dealing with the taxation on cigarettes. Currently, the Town imposes a tax on cigarettes at the rate of 15 cents per package of 25 cigarettes. Periodically, people who purchase cigarette tax stamps seek refunds for stamps that are unused. The Town Code provides that the Treasurer shall provide for the reimbursement rate for stamps at the 90 percent level. This past year, the Virginia state law was amended that provides that the refund will be at the 100 percent level. This evening, we will consider an ordinance that changes the Town Code to reflect the new State law. The language in the proposed ordinance

states that the refund shall be as established from time to time by the Code of Virginia and this will eliminate us needing to revise our regulations each time the State law changes. When the ordinance is presented this evening, it would be the recommendation of the Budget and Finance Committee that it be adopted on first and final reading.

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Jacqueline K. King

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Beth A. Taylor

## **PUBLIC WORKS COMMITTEE REPORT**

**AUGUST 14, 2017**

1. Several years ago, the Town used grant and loan funds from the Department of Environmental Quality to construct a structure and purchase the equipment necessary to utilize the methane being produced by the digester at the Town's sewage treatment plant. The methane being created by the digester serves as a good fuel for the generator that was installed at the plant. The purpose of using this methane to power the generator is such that it can have additional processes ongoing without the consumption of purchased electricity. This project has never worked successfully because we do not have sufficient gas storage to keep the generator operating for extended periods of time. We are advised that we need additional storage capacity and the cost of the equipment to provide this additional storage capacity is approximately \$250,000. We have learned that there are grant funds in the amount of \$100,000 available from the Mount Rogers Planning District Commission, which would be matched with \$150,000 of Town funds. To access the grant funds from the Mount Rogers Planning District Commission, it is necessary for the Council to adopt a resolution requesting the funding. Later in the meeting, when the resolution is considered, it would be the recommendation of the Public Works Committee that it be adopted.
2. Last year, the Town's mowing regulations were amended and generally require that all properties be mowed at least three times per year or at a point in time when the height of the grass, weeds or vegetation exceeds twelve inches. We have spent

considerable time, energy and money in the past year improving all of the entrances into the community. We think that it is important that the corridors leading into the town be properly maintained. We are not prepared to make a specific recommendation, but we believe that properties along Main Street, North Fourth Street, Peppers Ferry Road and West Lee Highway should be mowed on a more routine basis. We are considering regulations that would require that properties along these corridors be mowed at least monthly. While we have not developed specific concepts, it would be practical to mirror the other regulations that require the monthly mowing of all properties that are within 100 feet of these rights of way. We are going to continue to work on this concept and, hopefully, we will have a proposed ordinance available in September.

3. We were pleased to learn that at the July 11, 2017, meeting of the Wythe County Board of Supervisors, they approved an ordinance which provides for the partial exemption from real estate taxation for certain rehabilitated commercial and industrial real estate properties created within the Enterprise Zone. We had advocated that Wythe County take this action because we thought that it would be beneficial to the properties within our Enterprise Zone, especially in the downtown area. We wanted to take this opportunity to publicly thank the Board of Supervisors for their action in providing this valuable incentive for the improvement of properties.

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Thomas F. Hundley

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Joseph E. Hand, Jr.