

Pearisburg Town Council met in Regular Session on August 11, 2015 at 7:30 p.m. in the Pearisburg Municipal Building Council Chambers. Present for the meeting was Mayor Robert L. Dickerson; Vice-Mayor Munsey; Council Member Williams, Harrell, Clark and Eaton; Town Attorney Hartley; Town Manager Vittum; Town Engineer Tawney; Police Chief Martin; Building Official Wilson and Town Clerk Harless. Also present was Gary Kerr, Rose Dunford, Brenda Riley, Shelby Kerr, Jane Stafford, Betty Reynolds, Becky Martin, Rev. Betsy Switzer, Fred Palmer, Barbara Palmer, John Riley, Hayley Warner, Dianne Dinger, Debbie Taylor, Steve Taylor, Lynne Hazelwood, Frankie E. Wilson, Az Bartle, Jean D. Hall, Jan Houck, Roger Houck and Butch Mullins citizens and TJ Atkins, Virginian Leader.

Munsey made a motion that the Regular July 14, 2015 Minutes be approved. Eaton seconded the motion. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Harrell, Clark and Eaton. Voting no: None. The motion carried by a vote of 6 to 0.

Gary Kerr from the Eggleston United Methodist Church and a member of the Giles County Lords Acres Committee wanted to thank Council for letting them attend the meeting. He stated that the Farmers Market is not in-line with the bylaws of the Giles County Lords Acre Committee. The bylaws stated that only church organizations should be in attendance. There are about 20 churches in the County that find it difficult to meet their financial needs without the assistance of the annual Lords Acre Sale. He stated that through giving the church can maintain itself. He would like to keep their event as a holy ground and see only church business on that day. He would like to be given some data showing how Pearisburg gets compensated for the market. Last year the Lords Acre Sale profited around \$22,000 in one day. He stated that each church must contribute 10 percent to charitable organizations in the County. He does not know if the market makes \$22,000 a day. The money goes to the building funds of each church to help with maintenance and upkeep. The day of the sale around \$3,000 goes into buying food. The food must be home baked.

Anna Holt a member of Mountain View addressed Council with some concern about parking, use of the kitchen, overlap of products and insuring no alcohol will be served that day.

John Riley a member of Rich Creek Methodist Church wants to make sure this will be an alcohol free event. This event means a lot to several churches. He feels that parking

will be a big issue. They have been having the Lords Acre Sale for years and would like to keep it a clean day and let them have their event just that one day.

Brenda Riley a member of Rich Creek Methodist Church addressed Council with her concerns. She stated that they do not sell soda or water. All of their items must be homeade or home-grown. She felt that having the Market would hurt their profit that day. She stated that no politicians were allowed.

Dianne Dinger with the Farmers Market stated that she would love to meet with the members and discuss their concerns. She stated that she loves attending the Lords Acre Sale and always shops there. The Market does not want to have any negative impact on anything involving the Lords Acre Sale. We would like to help advertise and bring in more people. The sale would be the event of the day and it would help drive additional business. She stated that many farmers, like Ron Holdren, have participated in Lords Acre Sale. She understands how important that it is and respects that.

Mayor Dickerson stated that he felt that Hazelwood, Warner and Dinger could meet with the Committee and discuss their concerns and come up with a good resolution. Jean Hall a member of Eatons Chapel in Staffordsville asked why we could not just cancel the market. John Riley asked Council if it seemed like they are asking too much.

Mayor Dickerson stated that they were not asking too much. He stated that the vendors have a contract from now until October. He stated that after hearing the Committees concerns and how Ms. Dinger feels he felt confident that something could be worked out. The Market could be in a different area. All of the vendors have paid and the sale has it for free. The front lawn is designated for the Lords Acre Sale.

Gary Kerr commented about the Pearisburg Festival and how bad the parking was. He had to park far away. He takes care of parking at Lords Acre Sale and saves space for handicap. They use the ballfield for overflow. He is afraid it may come to the point he can't control it.

A citizen informed Council that their next meeting was Monday, August 17<sup>th</sup> at 6:30 pm at the Pearisburg First United Methodist Church. The Mayor feels that things could be worked out between the Committee and the Market, if not then Council would be the final decision makers. Munsey asked if the Market would happen no matter what is resolved. He stated that this was the first he had heard of the conflict between the two events.

Brenda Riley stated that she was very disappointed in Town Council. They have been left in limbo with any decision.

John Riley stated that the Committee was firm on their being no alcohol at the event. He stated that the Committee is coming to you asking for help. Munsey stated that Council is not making a decision tonight. He asked if they could get with the Market staff and see if some of their concerns could be worked out. Eaton stated that the Pearisburg Red Devils worked out things with market when they had their event. She is leaning towards letting it go for a day. Dinger asked if any of the Committee had time to meet with her right now across the hall in the conference room. The Committee and Market staff left the meeting to meet across the hall.

Council approved the following Consent Items and Reports: Police, Finance, Recreation, Building Permit, Manager, Water and Fire for August 2015.

Harrell reported on the Public Safety Committee. The Committee discussed a possible new revenue source from insurance fees to the fire departments. Debbie Morris will be checking into the specifics. They also discussed Parking Fines and will suggest amendment at the full meeting. They discussed the surplus of the police vehicle and that it be assigned to the Recreation Department. The next one would go to the Fire Department. She stated that the committee discussed issues involving the Fire Department's needs for additional training. The Town Manager has met with Chief Stump and discussed the training needs. A draft Training Operational Procedure was reviewed and will come to Council later.

Harless explained staffs need to have a Refund Policy in place for reservation of Town facilities. She stated that several individuals had paid in advance and then cancelled and asked for a refund. We do not have a policy in place to help us with making the determination of when to refund them. The citizen must pay for their reservation within two weeks of making the reservation. Staff thought that if a cancellation was made 30 days prior to the event the citizen could get a refund. Council discussed the matter and felt that a 14 day cancellation prior to their event would be good.

Munsey made a motion to have a Refund/Cancellation Policy where a cancelled reservation 14 days prior to the event would be refunded the rental fee. Williams seconded

the motion. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Harrell, Clark and Eaton. The motion carried by a vote of 6 to 0.

Tawney stated that an Organization for Kids with Cancer had asked to have the Auditorium at no charge to hold an Auction to raise money for kids with cancer. All proceeds are donated to the families.

Munsey made a motion that Council approve waiving the fees on the rental of the Auditorium for the Kids with Cancer Organization. Harrell seconded the motion. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Harrell, Clark and Eaton. The motion carried by a vote of 6 to 0.

Tawney asked Council permission to donate 8 chairs to the Giles Historical Society that have been stored in the PATS building and advertise for bid the remaining chairs.

Munsey made a motion that Council donate 8 chairs to the Giles Historical Society and advertise for bid on the remaining chairs. Williams seconded the motion. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Harrell, Clark and Eaton. The motion carried by a vote of 6 to 0.

Eaton reported on the Finance Committee. She briefed Council on the need for a budget amendment due to the Taser Grant for the Police Department. The Committee congratulated Chief Martin on receiving the grant. She stated that the Committee welcomed new member Debbie Morris.

The Committee made a recommendation that Council approve Budget Amendment 2016-01 to appropriate funds to the budget for the Taser Grant. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Harrell, Clark and Eaton. The recommendation carried by a vote of 6 to 0.

BUDGET AMENDMENT FY 2015-2016-01

REVENUE		Current Budget	New Amount	Difference
100340.4911	Taser Grant	\$0.00	\$ 12,060.00	\$ 12,060.00
				TOTAL \$ 12,060.00

EXPENDITURES		Current Budget	New Amount	Difference
101500.9101	Taser Grant	\$0.00	\$ 12,060.00	\$ 12,060.00
				TOTAL \$ 12,060.00

	Revenue	Expenditures	Difference
Current	\$ 4,380,215.00	\$ 4,392,140.00	\$ (11,925.00)
Amended	\$ 12,060.00	\$ 12,060.00	\$ 0.00
Total	\$ 4,392,275.00	\$ 4,404,200.00	\$ (11,925.00)

For Council Action on August 11, 2015

Munsey reported on the Public Works Committee. The water loss for June was 33.17%. He reported that Mitchell Neice had been given the job of hunting leaks during the day. The Committee discussed the need to trim a tree back at 612 Henson Avenue and the Rural Development Grant Planning to help change over from chlorine gas to UV. This study would let us know the cost of the construction and long term maintenance for UV.

The Committee made a recommendation that Council approve the trimming back of the tree at 612 Henson Avenue. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Harrell, Clark and Eaton. The recommendation carried by a vote of 6 to 0.

The Committee made a recommendation that Council allow Town Engineer Tawney to apply for the planning grant with Rural Development. This would allow the Town to see what the cost of changing over to UV would be. Munsey stated that Citizen Member Via stated that many localities have already switched over. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Harrell, Clark and Eaton. The recommendation carried by a vote of 6 to 0.

Wilson updated Council on the progress of the Community Center renovations. He stated that the ramp on the east side of the building had been completed as well as some outside work for the ramp access. He reported that public works employees have done lots of work in the recreation directors office to repair damages from the water leak and there will be additional work done when the weather cools off. He stated that in the last two months some information was sent to Council on cost estimates for fixtures in the bathrooms on the main floor. The money allotted is not enough to cover the estimated costs. Clark inquired about the condition of the partitions in the men's bathroom. Wilson had got someone to give a cost to professionally refinish them and he felt that estimate would not be practical. He has not checked with Mr. Brown who works locally. He felt that the condition of the partitions was not terrible and that we could clean them up and re-install them with fresh paint and a powder coat. Clark asked if we should go with fixtures and valves. Wilson stated that some type of application on the mens room floor would be helpful. He stated that as far as the sinks we have three types, it would be nice to have matching ones. If these were replaced we should replace the flush valves in the toilets. He indicated that the 1939 urinals that run all the way to the floor need new flush valves. If

Council plans to make the room accessible it would take a large portion of the money in the budget but this would help meet all ADA requirements. The Public Works crew would do most of the labor. Clark asked Wilson what would be good to go on the floor. Wilson stated that it is now a brick with a mortar joint. He felt it would need a floor leveler with lots of wax and poly urethane needing to be removed. He thinks vinly tile would be cost effective and durable. The contractor said there were some risks on putting down the application.

Wilson stated that the floor covering in the cafeteria has been down for about 18 years. This may be something we want to look at replacing in the near future. Munsey stated that he had received a phone call from the Pearisburg Red Devils asking him to come to the reunion to ask about possible donations. The Red Devils indicated they might be able to come up with \$4,000. Wilson stated that he would work on getting flooring quotes. Wilson reported that the doors on first floor had been painted and look really good now. We might look at additional painting from other sources. Eaton asked what the price difference would be with the cafeteria verses the Council chambers. Wilson felt that vinyl would be the way to go on the flooring. Eaton asked if we could get a quote for both and possibly save money in the long run by doing both.

Wilson updated Council on the PATS Building. He reported that staff had re-installed a new door, done some painting, power washed the exterior and replaced missing shingles. Once the murals are finished staff will be working on the inside. The murals are being kept inside until they are complete. Wilson stated that he was not sure how much work inside the building they will be able to get done for the September event.

Lynne Hazelwood addressed Council that at this time the best resolution for the Lords Acre Sale and the Market was to share the space on the front lawn. The Lords Acre Sale would start that morning and finish around 2pm and the Market would begin at 3pm.

Williams made a motion that Council approve Ordinance 15-05 on Traffic Fines. Clark seconded the motion. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Harrell, Clark and Eaton. The motion carried by a vote of 6 to 0.

AN ORDINANCE TO AMEND CHAPTER 70, TRAFFIC AND VEHICLES,  
CODE OF THE TOWN OF PEARISBURG, VIRGINIA, 1996, AS AMENDED,  
FOR THE PURPOSE OF AMENDING SECTIONS 70-9, 76, AND 128 FEES

BE IT ORDAINED, by the Town Council of the Town of Pearisburg, Virginia, 7 of the  
elected members concurring, that:

**Section 1.** The following sections of the Code of the Town of Pearisburg, Virginia, 1996,  
as amended, is amended as follows:


70-9 (a) Traffic Violation Notices. Delete the following: Traffic violation notices may be settled by  
payment of a penalty of \$5.00, which payment shall be a complete satisfaction of the offence,  
except that such fine shall be \$10.00 if the fine provided herein is not paid on the day of the  
violation. Add the following: Traffic violation notices may be settled by payment of a penalty of  
\$25.00, which payment shall be a complete satisfaction of the offence, except that such fine shall  
be \$50.00 if the fine provided herein is not paid within ten (10) business days of the violation.

70-76 Parking by yellow curb markings. Add the following: Violation of this section shall carry a fine  
of \$25.00.

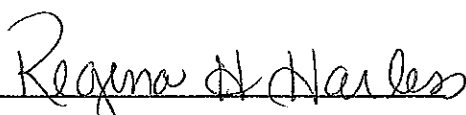
70-128 Penalty for overtime parking. Delete the following: For overtime parking, the fine shall be  
\$5.00, except that such fine shall be \$10.00 if the fine provided herein is not paid on the day of the  
violation. Add the following: For overtime parking, the fine shall be \$25.00, except that such fine  
shall be \$50.00 if the fine provided herein is not paid within ten (10) business days of the violation.

**Section 2.** This ordinance shall be in effect immediately upon its passage.

This 11<sup>th</sup> day of August 2015.

APPROVED: 

Robert L. Dickerson, Mayor

ATTEST: 

Regina Harless, Clerk

Vittum briefed Council on signs in public right of ways. Staff took a copy of Lynchburg's code and revised it as a draft for Council to consider. The Committee has some concerns about the signs. Hartley stated that it would be hard to tell where the right of way is located. Clark stated that she did not have a problem with town crew removing them. Council felt that the citizens would not know where the right of way is at. Clark asked if there had been complaints and if we planned to honor exemptions. Hartley stated that you could not have exemptions because its considered speech. The local government attorneys have a committee drafting an ordinance in light of recent court rulings. Hartley stated that this only applies to public right of ways. You can't be selective, it must be all or none. For example you could not just remove all the yard sales and not the real estate.

Munsey made a motion that Council approve Ordinance 15-06 Right of Ways with the following changes: change city to town and take out citizen part of ordinance to the town. Eaton seconded the motion. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

**ADOPTED: August 11, 2015**

**ORDINANCE NO: 15-06**

**AN ORDINANCE TO AMEND CHAPTER 70, TRAFFIC AND VEHICLES,  
CODE OF THE TOWN OF PEARISBURG, VIRGINIA, 1996, AS AMENDED,  
FOR THE PURPOSE OF ADDING SECTIONS 70-11  
SIGNS IN PUBLIC RIGHT OF WAY**

**BE IT ORDAINED**, by the Town Council of the Town of Pearisburg, Virginia, 7 of the elected members concurring, that:

**Section 1.** The following sections of the Code of the Town of Pearisburg, Virginia, 1996, as amended, is added as follows:

70-11. Signs in public rights-of-way.

(a) Except for the town, no one shall install any signs, banners, billboards or similar structures or objects in the public rights-of-way.

(b) Any violation of this section is hereby declared to be a nuisance. No person shall have any legal right to the continued presence of a sign in a public right-of-way in violation of this section, nor is there any legal remedy against any person solely for the removal from a public right-of-way of a sign which is in violation of this section. If abatement is made by the town, the reasonable costs incurred in removal may be assessed against any person responsible for or benefited by the violation, and such costs shall be collected in the same manner as town taxes. For a willful violation, the town shall be entitled to recover costs, the reasonable value of




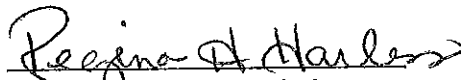
attorney's fees, and punitive damages in any proceeding which it may bring to enjoin future violations.

**Section 2.** This ordinance shall be in effect immediately upon its passage.  
This 11<sup>th</sup> day of August 2015.

**APPROVED:**

**ATTEST:**

  
Mayor Robert L. Dickerson

  
Regina Harless, Town Clerk

Mayor Dickerson stated that he had appointed Debbie Morris to serve on the Finance Committee. Council discussed the need for someone to serve on the Parks and Recreation Advisory Council.

Dianne Dinger updated Council on the Planning Project. She stated that staff has several Community Events planned for the Town. The Town has scheduled three main events that include a Chicken BBQ with a band as a Market fundraiser. On September 18<sup>th</sup> there will be a dinner to recognize the local art exhibits in Town on Election Day there will be a turkey dinner.

Dinger also updated Council on plans for a three day arts event. We have been advertising from Blacksburg to Floyd. There will be a night of music, a dinner in the PATS Building to reveal the murals with a walking tour of the sculptures in the Town Park. A map is being developed with the names of the artist and details on the art. The Market will be joining the Art on the Lawn in the downtown. They are meeting with downtown businesses and encouraging them to be open that day.

Dinger stated that at the Thursday Market this month the theme will be Mardi Gras Night. Virginia Tech (VT) will be doing a job fair. VT has been doing most of the advertising. They will have computers set up to help people. We are working towards expanding partnerships and number of people coming into town. She stated that plans are in the works to hold a Harvest and Scarecrow Festival October 17<sup>th</sup>.

Dinger stated that after talking to staff they agreed that it would be best to not have the Market the day of the Lords Acre Sale. Extending the season for the Market to the first

week in November is an option. Warner will get in touch with the vendors to make sure this would be alright with them. The Market did not want to take away from the Lords Acre Sale. She stated that we could notify people on facebook and social media about the being closed. Hartley asked if the vendors could put it on their social media. She stated that Warner would be talking to the vendors about it. Clark felt this was a good idea. Council concurred with her. Dinger stated that it was a community tradition and it was important to support them.

Vittum updated Council on the Whitt-Riverbend Boat Landing and reported that the way the boat landing was designed to create a problem with vehicles passing. He stated that he spoke with Council and got the majority to agree to extend the access about 40 yards to correct this problem. He stated that two pads had been poured and will be pushed out into the river. We will use Town and County Labor to construct SST toilet facilities.

Vittum updated Council on the PATS building. The public works crew is doing some work on the inside and out to help get it ready for the Mural unveiling and Arts Council Dinner on September 18<sup>th</sup>.

Council discussed the Public Service Authority (PSA) Water Rate Agreement. Eaton asked if this was the latest version. Vittum stated that Belcher had drafted the agreement and Hartley had made some changes. Hartley stated that Belcher had accepted our changes. The Mayor asked about the date of November 1<sup>st</sup>. Hartley stated that he felt it would be easier to set a date for everyone to agree to get it approved by. Munsey stated that we need to let Belcher know of the change.


Munsey made a motion that Council approve the Agreement with the Public Service Authority on the Water Rate Increase. Clark seconded the motion. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Harrell, Clark and Eaton. Voting no: Williams. The motion carried by a vote of 5 to 1.


## Memorandum of Agreement between the Giles County PSA and Town of Pearisburg

The Giles County Public Service Authority (the PSA) and the Town of Pearisburg (the Town) enter into this memorandum of agreement dated August 13<sup>th</sup>, 2015 to clarify recent conversations related to funds that the Town will provide to the Authority for water operations. The terms of the agreement are as follows:

1. Pearisburg's base water rate will increase pursuant to the contract between the Town and the PSA by \$.07/1,000 gallons of water effective upon the date of this agreement. The PSA Director will provide the rate calculation for the increase 30 days after receipt of the PSA audit. The Town can then check the calculation and include the calculation in the Town's 2015-2016 fiscal year budget.
2. The PSA agrees to adhere to the approved Capital Improvement Plan.
3. All members will begin paying their new rate November 01, 2015.
4. The Town will make a voluntary contribution \$0.58/1,000 gallons of water each month beginning on November 1, 2015. This voluntary contribution by the Town will be separated out for billing purposes.
5. Back up power will be installed at Well 4 and the water treatment plant. The estimated cost of these improvements is outlined in the Capital Improvement Plan.
6. The Town agrees to allow connection of the existing generator at the Town's wastewater treatment plant to Well 4. The PSA will provide labor and equipment necessary to connect the generator to Well 4.
7. The Town agrees to give the PSA 30 days notice if the Town elects not to contribute the voluntary funds forth in this agreement. Unless and until the Town gives such 30 days' notice of termination, this agreement regarding voluntary payments will remain in effect.

The Giles County Public Service Authority appreciates the effort the Town Council and staff have put into finding a way forward in stabilizing the funding of the PSA and look forward to many years of a mutually beneficial relationship.

  
Richard McCoy, Chairman  
Giles County Public Service Authority

  
Robert Dickerson, Mayor  
Town of Pearisburg

Vittum stated that in order to raise the water rate it would require a public hearing. Eaton asked how the proposed water rate increase was calculated and Vittum explained his formula. Eaton stated that if we get the water loss down it would help get the cost down. Vittum stated that he based his rate on the current data. Hartley stated that a motion from Council would be needed to set a date for the public hearing and advertising.

Williams made a motion that Council hold a public hearing at the regular September Council Meeting to increase water rates. Munsey seconded the motion. Voting yes: Mayor Dickerson; Vice-Mayor Munsey; Council Members Williams, Harrell, Clark and Eaton. The recommendation carried by a vote of 6 to 0.

On a motion by Williams, seconded by Munsey, passed by the following recorded vote, Mayor Dickerson, yes; Council Members Williams, yes; Eaton, yes; Munsey, yes; Harrell, yes; Journell, absent; Clark, yes; Council went into Executive Session as permitted by Virginia Code Section 2.2-3711 (A)(7), for consultation with legal counsel, and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Town; and consultation with legal counsel employed or retained by the Town regarding specific legal matters requiring the provision of legal advice by such counsel concerning 7-Day Market.

On a motion by Munsey, seconded by Williams, passed by the following recorded vote, Mayor Dickerson, yes; Council Members Williams, yes; Eaton, yes; Munsey, yes; Harrell, yes; Journell, absent; Clark, yes; Council returned to regular session.


On a motion by Williams, seconded the Clark, and passed by the following recorded vote, Mayor Dickerson, yes; Council Members Williams, yes; Eaton, yes; Munsey, yes; Harrell, yes; Journell, absent; Clark, yes; Council certified that the subject discussed in this Executive Session was the subject identified in the motion to go into Executive Session and only that subject, and that Council discussed no other subject while in Executive Session.

There being no further business the meeting was adjourned.

APPROVED:

  
Mayor Robert L. Dickerson

ATTEST:

  
Regina H. Marless, Town Clerk