

Pearisburg Town Council met in regular session on August 13, 2019 at 7:30 pm at the Pearisburg Municipal Building. Present for the meeting was Mayor Dickerson; Council Members Williams, Harrell, Clark, Eaton, Ballard and Journell; Town Manager Meredith; Town Clerk Harless; Director of Public Works Wilson; Police Chief Martin; and Town Treasurer Harrell. Citizens Pearisburg Volunteer Firemen Chief Scott, Chris Stevers, Nicholas Spaur, Teddy Jensen and Michael Goyer with Atlantic Fire Equipment; and Amelia Whittaker, Virginian Leader.

Michael Goyer with Atlantic Emergency Solutions completed a presentation on proposed Turnout Gear for the Pearisburg Volunteer Fireman. He reviewed the display of turnout gear and explained the materials in detail. The gear comes with a 5-year warranty on velcro, zippers and reflective stripes. The warranty will cover manufacturer's defects. An example of a covered manufacturer's defect would be a thread coming undone. The warranty doesn't cover burns to the material on the gear or any form of neglect. The coat and pants are fitted to each individual firefighter. Structure burns are not covered unless they determine it was faulty equipment. Any burned fire gear will need to be shipped to the manufacturer and if the gear is determined to be faulty, the gear will be replaced within 14 days. Meredith asked for an anticipated delivery timeline should the gear be purchased. Goyer stated that it would be two weeks on gloves, boots and helmets, but the coat and pants will take longer due to being custom made to the fireman. Nicholas Spaur demonstrated the proposed fire gear for Council. Eaton asked about the average life expectancy for the fire gear. Goyer responded that the manufacturer states 5 to 7 years. He estimated 10 years due to the minimal volume of fires our department encounters annually. Council asked Chief Scott his opinion on the fire gear. Chief Scott stated that with the climate change he feels the proposed gear would work well for the department. He has looked them over and recommends them for purchase.

Clark made a motion that Council approve of the Fire Department moving forward with purchasing 18 sets of protective Turnout Gear in an amount not to exceed \$50,000 from Atlantic Emergency Solutions. Williams seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

Williams made a motion to approve the July 9, 2019 Regular Council Meeting and July 22, 2019 Special Meeting minutes as written. Ballard seconded the motion. Voting yes: Mayor

Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

Clark reported on the Public Safety Committee. The Committee discussed the placement of a building dedication plaque for the Police Department facility and new Turnout Gear for the Fire Department.

Mayor Dickerson stated there was no quorum for Property and Recreation Committee. Ballard made a motion that the July Recreation Report be approved. Harrell seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

Ballard made a motion that the July Building Permit report be approved. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

Clark asked Wilson if there were issues with the construction on Alleghany that needed a stop order. Wilson stated the owners had not acquired a Building Permit at the Town Hall.

Eaton reported on the Finance Committee. Meredith briefed Council on the proposed Work Order Software with Edmunds. He recommends Council consider the software to assist staff on keeping up with tasks. Treasurer Harrell recommended Council consider purchasing the Accounts Receivable & Business Licensing software for businesses and miscellaneous billing and not use the paper system currently being used.

The Committee recommends that Council approve the purchase of the "Accounts Receivable & Business Licensing I" and "Work Orders I" software packages at an initial purchase cost not to exceed \$4500 and \$6000 respectively. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

The Committee discussed partnering with the Merchants Association to purchase "Hiker Banners". Eaton asked Wilson how long it normally takes to switch out the Downtown banners. Wilson stated it took about 3 hours total from beginning to end. Council discussed only putting banners up on every other pole starting with the Fall banners.

The Committee recommends that Council approve a \$2,000 contribution from the Town to partner with the Merchant's Association for the purchase of Downtown "Hiker Banners".

Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

The Committee recommends that Council approve the purchase of a cast aluminum building dedication plaque for the Police Department Facility from Sign Systems, Inc. at a cost not to exceed \$869. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

Eaton reported on the Public Works Committee. There was no quorum for the meeting. Meredith commended Public Works employees Smith and Neice for their hard work getting the water loss to 29%. Meredith updated Council on the Sewer Project. He stated that some lines that cross Route 100 will be slip lined. To make repairs using slip lines, they do not have to be dug up. The Town has a line in front of the County Administration building that cuts at an angle and is approximately 12 feet deep. This line is crushed and cannot be a slip lined. He is working with Hurt & Proffitt on developing a plan to resolve the issue. He stated that staff are looking for ways to absorb the cost in the project budget and to absorb soft costs through the use our town staff to flag traffic. Clark asked when this would take place. Meredith stated it was just discovered last week and that he was not sure when it will be scheduled for replacement.

Williams made a motion that Council approve the Water Report for June. Ballard seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

Clark reported on the Library Advisory Board.

Williams made a motion that Council approve the Parade Permit for the Annual Fireman's Parade in October. Eaton seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

Harrell made a motion that Council approve and adopt a resolution for the Hope House. She stated that Hope House does great work for the community. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

**RESOLUTION OF
TOWN OF PEARISBURG**

**IN CELEBRATION OF THE 10TH ANNIVERSARY
OF THE
GILES COUNTY HOMELESS SHELTER - THE HOPE HOUSE**

WHEREAS, the governments and residents of the County of Giles agreed that there was a critical need for a shelter to assist and house homeless citizens in our area; and

WHEREAS, a Homeless Shelter Board of Directors was established to plan and construct this shelter; and

WHEREAS, this was a joint effort of all County and Town governments in Giles County along with numerous churches, organizations and individuals; and

WHEREAS, a The Hope House opened in Giles County in 2009 to offer aid to the homeless; and

WHEREAS, this shelter has served hundreds of people over the past 10 years to meet the emergency housing needs of citizens in our county;

NOW, THEREFORE, LET IT BE RESOLVED that the Town of Pearisburg hereby recognizes the necessary and worthwhile work of the Giles County Homeless Shelter Board as they celebrate the 10th Anniversary The Hope House in Giles County.

ADOPTED this 13th day of August 2019.

APPROVED:



MAYOR ROBERT L. DICKERSON

ATTEST:



REGINA H. HARLESS, TOWN CLERK

Meredith briefed Council on UV Sewer Project Change Orders. He stated that Change Order No. 1 Division 1 calls for several manholes to be rehabilitated instead of being replaced. This will save the Town approximately \$17,000 in the scope of the project. Change Order No 1 Division 2 the W.G. Simmons Co. discovered conduit in need of replacing. This increased the scope of their portion of the project by approximately \$5,000. This change didn't alter the bottom line of the scope of the project. Journell asked what the rehabilitation on the manholes entailed. Meredith stated the old ones are made of brick and would be lined with a strong substance similar in appearance to a light concrete. They line the manhole with concrete like material. He stated that the brick combined with concrete lining should be as strong if not stronger than a new manhole, according to the project engineer. Journell asked about leveling the manholes with the pavement in the road. Staff will be working with pavers to make it more of a flush transition from manhole to pavement. Wilson explained that staff planned to get ahead of the pavers with an apparatus to lift it and get it more flush. He also explained that the rehab portion of the manholes on the inside doesn't pertain to the lid. Wilson stated that multitude of different sized manholes operated by the Town makes it difficult to find rims that fit. Contractors typically place a can where the lid is located when paving to mark it so staff can cut it when needed.

Journell made a motion to approved UV Sewer Project Change Order No. 1 Division 1 and Change Order No. 2 Division 2. Harrell seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

Meredith stated that the purpose of the draft Ordinance for the Police Department was to give the Police Officers authority to use police powers when working overtime for other organizations. This would allow them to make arrests and use all the same authority they have when on regular duty. Staff are seeing an increase in demand to provide this type of service to businesses and other organizations. For an officer to make an arrest, the State Code requires the Town to have this ordinance in place. Ballard asked how the previous ordinance read. Meredith answered there was no ordinance in the code for this matter.

Ballard stated he had some concerns with off duty officers pertaining to liability, injury to an officer, vehicles and police equipment. Ballard asked if the town insurance had been

contacted and will cover the officers while working off duty. Meredith stated he was waiting on a response. Ballard asked if they are working off duty why are they using a town vehicle. He asked Chief Martin if he was in support. Chief Martin is in support of off duty officers assisting local businesses. Clark stated that she was not opposed but wants to make sure our officers are covered and not left hanging. Ballard asked if Walmart asked for added security. Chief Martin replied that most of the detail was watching the parking lot and doing a walk-thru of the store a few times. Ballard asked if the officers were in uniform. Chief Martin stated they were and used their police vehicle. Ballard would like to read the insurance contract on workers compensation and the Town's personal liability. Chief Martin stated the officers mark-on through dispatch as if they were working for the town. Ballard stated that he would like to know how the insurance contract views the officer's status when working in such a capacity. Ballard stated that if the status is excluding, then it would be a concern for the Town. Meredith felt that if they must engage and use their police authority they would be covered as long as they were under the direction of the Town's management. Ballard asked for it to be confirmed by VML Insurance that the officers were not excluded for off duty work. Clark asked about the company paying the town instead of the officer and running it through payroll. Ballard felt that would not be a good idea. Harrell stated that she thought the reason for having the ordinance was to cover this issue. Ballard stated that Council could approve contingent upon those questions. Meredith felt he could get an answer from insurance and Town Attorney by next week.

Ballard recommended Council be sure that any act or omission by a Town Police Officers status while on off duty to make sure it's not an insurance policy exclusion, if an officer were injured would they be covered under workers compensation and is the Town covered by liability.

Ballard made a motion that Council approve Ordinance 19-03 to Amend Chapter 38 Law Enforcement contingent upon Town Attorney approval and contingent upon the Town's insurance carrier confirming that any act or omission by a Town Police Officer while in an "off duty" status is covered by the Town's liability insurance policy. Ballard further made his motion contingent upon confirmation that the Town Police Officers are covered under workers compensation should they be injured while in an "off duty" status. Williams seconded the

motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

ADOPTED: August 13, 2019

ORDINANCE NO: 19-03

AN ORDINANCE TO AMEND CHAPTER 38 LAW ENFORCEMENT; BY ADDING A NEW SECTION 38-7 OFF DUTY EMPLOYMENT, OF THE CODE OF THE TOWN OF PEARISBURG TO PROVIDE EMPLOYMENT OF OFF DUTY TOWN POLICE OFFICERS PURSUANT TO §15.2-1712 OF THE CODE OF VIRGINIA

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

Section 1. That off duty officers of the Pearisburg Police Department are permitted to engage in off-duty employment which may occasionally require the use of their police powers in the performance of such employment.

Section 2. The Chief of Police of the Pearisburg Police Department shall promulgate reasonable rules to apply to such off-duty employment.

Section 3. This Ordinance shall be effective immediately upon its adoption.

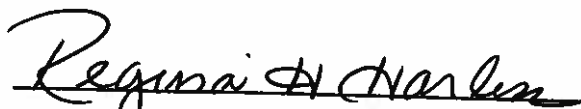
This 13th day of August, 2019.

APPROVED:



Mayor Robert L. Dickerson

ATTEST:



Regina H. Harless, Town Clerk

**Ordinance Rescinded on
September 10, 2019 by
Action of Town Council**

Meredith briefed Council on a Funding Agreement with the Commonwealth's Attorney for Giles County on body worn cameras. He stated that the Town would not be required to fund anything. The Commonwealth's Attorney has budgeted for any expenses. The document has been reviewed by Hartley.

Harrell made a motion that Council approve the Funding Agreement with the Giles County Commonwealth Attorney on funding for body worn cameras. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

Meredith updated Council on the CDBG Façade Design Program. He stated that Council would need to adopt the program before moving forward on the project. He asked Council to pay special attention to the following: On the Downtown Review Team make sure Council is comfortable with the proposed members and notice the match for business owners on page 9. He informed Council that the RFP did get advertised for engineering services. Clark noticed the \$500 fee for business owners and had some concerns. Meredith stated that Council could remove this fee. Clark asked if the owners were aware. Eaton asked Meredith if he had contacted Andrea Jones with DHCD about final approval on items that are considered match and if she made the final approval. Eaton has some concerns about whether the VDOT grant for the Town can be used as a match. Journell asked where the \$500 fee would be used. Meredith answered it would go to the A&E design company. Clark suggested getting a working set of plans. It mentions a minimum on the plans. Meredith was concerned about the fee being removed and the affect it would have on the project budget. Eaton asked if the Town could change the wording from minimum to maximum. She was concerned about the \$500 fee in addition to the 50/50 match. If the Town did remove the fee how would it impact the project budget. Eaton suggested getting a better cost estimate for the plans. Meredith had some concern about getting everything in place by September. He will get with O'Brien on answers to Council's questions Council. Council tabled any decisions until the next meeting.

Council discussed dates for the October regular meeting and committee meetings due to several members attending the VML Conference and will not be present for the regular scheduled date.

Harrell made a motion that the Regular Council Meeting be held on October 15th at 7:30 pm and the Committee Meetings on October 10th. Ballard seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

Ballard addressed Council on Golf Carts and the possibility of adopting an Ordinance for Pearisburg. He has reviewed the Virginia State Code provision on driving golf carts on roadways. He had spoken with Hartley and he informed Ballard there was no ordinance currently in place for the Town. He explained that the Town could adopt an ordinance to authorize golf carts on Town streets at a speed of 25 mph or less. He was mostly referring to the Fort Branch area. Clark asked if a citizen could legally drive to the Country Club now. Ballard stated the State of Virginia Code allows you to drive a golf cart to a golf course if you live within a half mile, have a driver's license, and place a slow-moving vehicle sign on the back of the cart. He stated that if Council was interested, let him know and Hartley would draft an ordinance. If Council is not interested, he is fine with that as well. Meredith asked if there was a maximum distance. Ballard stated that Council designates the streets and placed proper signage as per the ordinance that would be adopted. Council discussed possible areas to cross over on Wenonah Avenue. Council tabled the discussion to allow staff time to look at a viable plan.

Meredith discussed the drainage system, grading, and site development plan for the small baseball field. He asked Council if we wanted the engineering firm to include an underground drainage system. He stated that the base mapping was \$1500 and site plans \$2700 for underdrains to keep expenses at or near the estimated cost of \$3800. Williams likes the idea of the underground drainage system. Meredith agrees and thinks the installation would be inexpensive. Eaton asked if staff could do some of that work ourselves. Meredith stated the grading would be very subtle and would include a laser system, but town staff could install the drainage. He will have Hurt & Proffitt include the underground drainage system in the plans. Eaton asked about a timeframe to begin and finish work. Meredith would need to obtain quotes from vendors once he has the grading plan. He hopes to get that done in November. We would do lighting the same time as grading this November.

Journell made a motion that Council have Hurt & Proffitt include an underground drainage system in the site plans for the small baseball field, then move forward on getting the work done along with installing lighting. Harrell seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

Meredith stated that Hartley had reviewed the Department of Motor Vehicles (DMV) Contract for the Treasurer's Office and recommends Council approval. Journell made a motion that Council approve the DMV Contract. Harrell seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

Williams made a motion that Council appoint Michael Pennington recommended by Wilson to the Board of Building Code of Appeals for a term beginning immediately and ending June 30, 2024. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

Meredith stated that he had someone interested in purchasing the Vacuum Sealer the Town owns as part of the Market Grant. Journell asked about any stipulations on timeframe to keep the equipment purchased from the Market Grant.

Williams made a motion to approve surplus of the Vacuum Sealer contingent upon clarification about grant restrictions and direct Meredith to determine price. Eaton seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Harrell, Clark, Journell and Eaton. The motion carried by a vote of 7 to 0.

Meredith briefed Council on Lease Agreement for Travel Basketball Team to utilize the gym. The lease needs to be reviewed by Town Attorney. The Lessee will pay a key deposit.

Ballard made a motion that Council approve the Lease Agreement for Travel Basketball Team contingent upon Town Attorney review. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Ballard, Clark, Journell and Eaton. Voting No: Harrell. The motion carried by a vote of 6 to 1.

Eaton informed Council that Debbie Morris citizen member on Finance Committee had resigned and at their meeting Monday evening the Committee welcomed Frank Tanner.

On a motion by Williams, seconded by Ballard, passed by the following recorded vote, Council Members, Dickerson, yes, Williams, yes; Eaton, yes; Ballard, yes; Journell, yes; Clark, yes; and Harrell, ; Council went into Executive Session as permitted by Virginia Code § 2.2-3711(A) (1), for discussion, consideration or interviews of candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town of Pearisburg.

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

On a motion by Harrell seconded by Clark, and passed by the following recorded vote, Council Members Dickerson, yes, Williams, yes; Eaton, yes; Ballard, yes; Journell, yes; Clark yes; and Harrell, 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.

Eaton made a motion that Council appoint Town Manager Meredith as the full representative for the Town of Pearisburg on the Public Service Authority (PSA) Board and to appoint Councilman Jason Ballard as the alternate representative for the Town of Pearisburg on the Public Service Authority (PSA) Board for terms ending June 30, 2021. Williams seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Harrell, Clark, Journell and Eaton. Abstaining: Ballard. The motion carried by a vote of 6 to 0.

There being no further business the meeting was adjourned.

APPROVED:



Mayor Robert L. Dickerson

ATTEST:



Regina H. Harless, Town Clerk