

Pearisburg Town Council met in Regular Session on September 13, 2016 at 7:30 p.m. at the Pearisburg Town Hall. Present for the meeting was: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton; Town Attorney Hartley; Town Manager Vittum; Town Clerk Harless; and Police Chief Martin. Also present were citizens Zach Thompson, Aidan Williams, Anne Wheeler and Natalie Thwaites and Zach Guynn, Virginian Leader.

Munsey made a motion to approve the Regular August 9, 2016 minutes. Williams seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

Zach Thompson addressed Council with a concern about the upcoming Scarecrow Festival. He stated that he had spoken with the Merchants Association. He was informed that no political groups will be allowed at the event. He stated that he has a right to public speech or expression. He stated that the town supports the festival. He stated that the Merchants Association meeting only consisted of 4 individuals. He stated that it was a public street supported by the Town of Pearisburg. He is asking that the merchants change their policy and allow political campaigning or the Town withdraw from organization or not fund this organization.

Vittum stated that he felt the matter could easily be resolved. He stated that he was not a member of the Merchants Board but represents the Town. He did not participate in any vote. Thompson stated that the town is a member of the organization. Thompson feels that free speech is important. He feels that his free speech has been denied. He is asking for the Town's support and cooperation. He stated that he would urge citizens to strongly support withdrawing from this organization.

Harrell stated that she understood that it was alright for politicians to walk around and handout information. Thompson stated that he could not have a booth. He stated that the merchants did not want any politics at their event.

Harrell reported on the Public Safety Committee. The Police Department is back to full strength. There were no recommendations.

Journell reported on the Property and Recreation Committee. They discussed the Town Park Conceptual Master Plan and had a conference call with Elizabeth Gilboy the Director of Community Design Assistance Center.

The Committee made a motion that Council appropriate \$4972 from contingency fund to move forward with the Town Park Conceptual Plan. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

The Committee made a recommendation that Council approve performing repairs to the Municipal Pool by National Pools. The repairs being: changing the sand in the pool filter, acid wash/drain pool, resurface the diving board and miscellaneous items which include drain lids, crack repairs, and flow directional eyeballs. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

Vittum recommends Council accept a bid from National Pools because they were the best and most economical. Harrell stated that we have \$5,000 in donations from the County. She asked about it being used for the repairs. Vittum stated that the funds could be used from the recreation donations leaving an overage of \$2500 needed in funds. He felt the remaining \$2500 could come out of contingency line item.

Eaton made a motion that Council accept the bid from National Pools in the amount of \$10,700 for repairs. Munsey seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

Eaton stated that Wilson could have the repairs completed by spring in time to open the pool for the season.

Council discussed Community Center upgrades. Munsey made a motion to approve the following repairs and upgrades to the Community Center from the current budget: \$4400 for new lighting in the lobby, restrooms and cafeteria and \$1100 for water heaters in the kitchen and

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

Williams made a motion to deny by any other entity use of the Community Center on the day the Lords Acre sale citizens have it reserved. Munsey seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

Eaton reported on the Finance Committee. She asked if employee overtime could be added to executive session tonight. Council agreed to add it to the agenda. Council agreed that regular envelopes should be used for the Fire Department donation letter mailing.

Munsey reported on the Public Works Committee. They discussed the Goodwill Project and a PER on an upcoming Sewer Project. Rural Development is reviewing the proposed project.

The Committee made a recommendation that Council approve surplus of the Crown Victoria for online auction and collect sealed bids on the Ford Ranger. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The recommendation carried by a vote of 7 to 0.

Eaton asked about the status of the project the Gas Company is doing on Mountain Lake Avenue. She hopes they will restore the road. Vittum stated that Tawney was working with the gas company. Eaton asked about the manhole risers on Main street. Vittum will get with Tawney about risers. He stated it can be difficult to get the right one. Eaton asked about the status of the standing water at the intersection of Ft. Branch Rd and Wenonah Ave and a few other spots where water stands on the road from the project where they did the handicap ramps. Tawney is working with VDOT about correcting the problem.

Munsey would like to add the PSA to the executive session. Council agreed to add the item.

Harrell made a motion that Council approve the Lease Agreement with Giles County on use of the Town Hall for a polling precinct contingent upon Town Attorney approval. Munsey

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

THIS LEASE is made and entered into this 13th day of September, 2016, by and between TOWN OF PEARISBURG, (LESSOR) and COUNTY OF GILES (LESSEE) and provides as follows:

LESSOR does hereby demise and let to LESSEE the Council Chambers of the Pearisburg Town Hall building, together with the non-exclusive use of the entrances, hallways and public rest room facilities, located at 112 Tazewell Street, Pearisburg, VA 24134, to be used on an as needed basis as a polling place during local, state and federal elections. LESSOR agrees that such use shall be subject to any restrictions imposed by applicable election laws related to the posting or distribution of election materials within a certain distance of the polling place.

LESSEE shall have access to the leased premises on the day prior to the election for purposes of setting up voting machines and related equipment and shall also have access on the day following the election to remove any voting equipment. During election day the leased premises shall be occupied as a polling place for a period beginning not earlier than 4:00 AM and ending when all voting tabulations have been made which based upon prior experience would be no later than 11:30 PM.

The term of this lease shall be for one year beginning on November 1, 2016 and ending on October 31, 2017, and shall automatically renew for successive one year terms unless either party gives the other notice on or before July 1st of the then current lease term of its intention not to renew this lease.

LESSEE shall not be liable for any loss or damage occasioned by other uses of the property which may be made by LESSOR or its other tenants or invitees. LESSEE shall provide any security required for its use of the leased premises.

LESSOR shall provide all utilities used in connection with the premises and shall further be responsible for any and all maintenance required in connection with the premises.

This lease constitutes the entire agreement among the parties and may not be modified except by subsequent writing executed by each party hereto.

TOWN OF PEARISBURG

COUNTY OF GILES

BY Robert A. Dickerson
Mayor

BY [Signature]
Chairman, Board of Supervisors

ATTEST: Journell F. Eaton
Town Manager

ATTEST: Chris McElaney
Clerk

Eaton asked that on Parade Permits we put a statement asking participants not to use permanent paint. Staff will make the appropriate changes to the application.

Munsey made a motion to approve the Parade Permits for Giles Homecoming, Fire Department and Scarecrow Festival. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

Vittum stated that he would get with Merchants and Republicans and work out something for the Scarecrow Festival.

Vittum briefed Council on the Goodwill Subdivision Plat. He stated that the property was adjacent to Walmart. The Planning Commission has reviewed the changes and made a recommendation to approve the plat. He recommends Council approval subject to the proper signatures on the plat.

Munsey made a motion for final approval of the Goodwill Subdivision Plat contingent upon proper signatures on the plat. Eaton seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

Vittum explained the need for Ordinance 2016-05 regarding yard sales. The ordinance changes the language where it refers to residential property. The new language will be more general and not just for residential. Otherwise the language is identical.

Munsey made a motion to approve Ordinance 2016-05. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Harrell, Clark and Eaton. The motion carried by a vote of 7 to 0.

ADOPTED: September 13, 2016

ORDINANCE NO: 16-05

AN ORDINANCE TO AMENDING CHAPTER 26, BUSINESSES, ARTICLE I, IN GENERAL, OF THE CODE OF THE TOWN OF PEARISBURG, VIRGINIA, 1996, AS AMENDED, FOR THE PURPOSE OF AMENDING SECTION 26-3 (A) DEFINITIONS

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

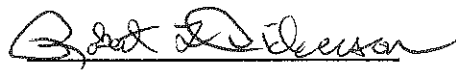
Section 1. The following section shall be amended as follows:

Section 26-3(A). DEFINITIONS. The term "yard sale" or "garage sale" as used in this section refers to the display or sale of tangible personal property conducted by the owner or occupant of such property. The term "yard sale" or "garage sale" does not apply to the incidental sale of one or two items of personal property when such sale is not part of a general sale of a number of items of personal property.

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

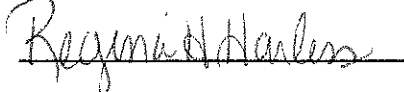
This 13th day of September, 2016.

APPROVED:



Robert L. Dickerson, Mayor

ATTEST:



Regina H. Harless, Town Clerk

Vittum stated that the County was awarded a Planning Grant to do a study on how to bring development to the towns from ecotourism. There will be meetings coming up to get everyone involved. The County has asked the Chamber and the Town to get involved. Clark stated that in November the Chamber is hosting a Small Business Development Center. Later on there will be meetings to seek public input. Clark stated that the general idea was to identify areas of need.

Council set the next regular meeting for October 18, 2016. There will be several joint public hearing with the Planning Commission that night. The Committee meetings will be held on October 17th. The regular meeting on November 8th will be held at the Fire Department Community Room.

On a motion by Clark, seconded by Williams, passed by the following recorded vote, Mayor Dickerson, yes; Council Members Williams, yes; Eaton, yes; Munsey, yes; Harrell, yes; Journell, yes; Clark, yes; 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 regarding Comp Time Policy; and as permitted by Virginia Code § 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: PSA Contract.

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

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

Council discussed timing for review of Town Manager applications. Council agreed to meet on September 20, 2016 at 5:30 pm to begin review of the applications for Town Manager. The Town Clerk will be asked to take care of notifications. This session will be in Executive Session under Personnel.

Anne Wheeler addressed council on behalf of the Merchants Association. She stated that the Association was trying hard to make Pearisburg a special place that all can take pride in. She was concerned about some businesses that may go out of business in 2017. She stated that the interest and support given by members of council was appreciated. This year's Scarecrow Festival has been moved from Tazewell Street to Wenonah Avenue. This was to try and support downtown businesses to increase foot traffic and visibility. Last year there were complaints at the Festival regarding partisan political activities. This Festival is not designed as a political event. It is not about politics, but it is about kids, costumes, community, food and a fun movie. She stated that there has been misinformation regarding political parties being excluded. They are free to walk around and hand out campaign literature. However, the Merchants would like to not have booths set up for this purpose. This year sidewalk and merchant tent sales are being added to the Festival. Non-downtown merchants are being invited to display. The Association just wants to bring business to the downtown and make it a kid and family friendly event.

Council asked the Town Manager to inquire about the legal issues with the Town Attorney. Council member Munsey volunteered to meet with the Party on Wednesday and attempt to mediate a solution.

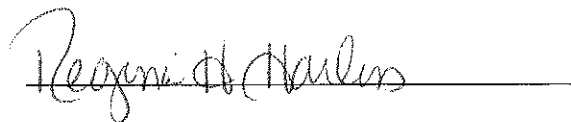
There being no further business, the meeting was adjourned.

APPROVED:

ATTEST:



Mayor Robert L. Dickerson



Regina H. Harless, Town Clerk