

The Pearisburg Town Council met in Regular Session on November 8, 2016 at 7:30 p.m. at the Pearisburg Volunteer Fire Department Community Room. Present for the Meeting were: Mayor Dickerson; Council Members Munsey, Williams, Journell, Eaton and Clark; Town Attorney Hartley; Town Manager Vittum; Town Engineer Tawney; Chief Martin and Town Clerk Harless. Also present was citizens Kelley Laughlin Ribbe, Betty Herbert and Todd Meredith.

Journell made a motion that the minutes to the Regular October 18, 2016 and Special October 19, 2016 meetings be approved. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Clark and Eaton. The motion carried by a vote of 6 to 0.

Journell reported on the Public Safety Committee. The Fire Department is seeking donations for a Sparky Suit. The Fire Chief reported over 1000 man hours had been donated by members on calls this previous six months.

The Committee recommended that Council approve setting aside donations being solicited for the Sparky Suit and approve the use for this purpose. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Clark and Eaton. The recommendation carried by a vote of 6 to 0.

Journell reported on the Property and Recreation Committee. She stated that the new Town Hall entry doors and glass walls have been installed. They discussed two new upcoming projects in town, Rite Aid renovations and Carilion Community Hospital addition.

Williams made a motion that Council set a policy in place to not allow use of property for fund raising by an individual for another individual. Eaton seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Clark and Eaton. The motion carried by a vote of 6 to 0.

Eaton reported on the Finance Committee. She stated that she understood the Finance Office to only be closed the first day for Harris Computers computer training. Vittum stated that was correct. The Fire Department Insurance is being picked up by Giles County. They discussed the Compensatory Time Policy which will become effective December 1, 2016.

Munsey reported on the Public Works Committee. The water loss for September was 27.86%. He reported that the PER on the Sewer Project is being reviewed by staff and will go to Council in December. He stated that SERCAP will assist the town up to \$5,000 in grant money

to help with removal of grease. Tawney stated that the Fire pump at Walmart was repaired. Clark asked if the cost of grease removal would exceed the \$5,000. Tawney stated that he will work to keep it under \$5,000.

Vittum stated that Council had tabled any decision on approving the Conditional Use Application submitted by Kelley Ribbe to operate a Bed and Breakfast until the November 8th meeting to hear some Council concerns from Ms. Ribbe.

Kelley Ribbe addressed Council. Munsey asked if the issues that the Town Manager had discussed with her had been resolved. Vittum stated that they are in the process of being resolved. The mortgage company will be taking care of the Real Estate taxes. There was an error on the mortgage companies part as the taxes are paid by escrow.

Eaton noticed the For-Sale sign and asked if her home was still listed for sale. Ribbe stated that it's not listed, but the sign is still up. She stated that she did not have any issues with the conditions that Council set. She said it was handicap accessible as well. Munsey asked if she had plans to start her business as soon as possible. Ribbe indicated she was a few months out on opening. She felt that it would be around the hiker season. Munsey stated that he would like to table until next month until the taxes get all cleared up. Vittum stated that there is a requirement in the code that Council act upon the Conditional Use within 30 days of the Public Hearing.

Hartley stated to Ribbe that Council could either withdraw the application, vote it down, or if Ribbe decides to leave as is and council vote it up or down. Hartley stated that the re-application could be done only once per year. If council disapproves the permit must be in writing within 30 days.

Hartley asked Ribbe if she had specific plans to start the Bed and Breakfast. He stated that if she did not start her business within 6 months she would lose her permit. She asked what constitutes starting. Hartley stated that you must be open for business and operating. Ribbe has hope there will be business and she can make this happen. Hartley felt the safest course was for Council vote on the application for Conditional Use tonight. Vittum stated that Ribbe had paid two of the three outstanding property taxes. Vittum stated that when Lorrie Mitchell, Finance Director, had checked with the County she found that the 2011 personal property assessment was valid. Ribbe understood. Journell asked Vittum if the real estate would be coming from the

mortgage company. He stated that it would. Ribbe stated that she had the cash to pay it now. Clark stated that she felt there was a need in the area for the mid-level accommodations.

Clark made a motion that Council approve the Conditional Use Permit Application submitted by Kelley Ribbe to operate a Bed and Breakfast on her property with the following conditions:

1. A minimum of twelve (12) off-street parking spaces will be designated and maintained;
2. A maximum of seven (7) rooms may be converted for use as overnight rentals;
3. A maximum of ten (10) square feet of a premise signage to advertise the B & B facility will be allowed;
4. Occupancy by a single party shall be limited to no more than seven (7) consecutive days.

Eaton seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Clark and Eaton. Voting no: Munsey. The motion carried by a vote of 5 to 1.

Betty Herbert addressed Council on the Art Challenge Grant and Giles Arts Council PATS Mural Project. Eaton asked about the conditions of the panels they were proposing to place the murals on. Tawney stated that the panels would be replaced. Journell spoke about the grant with Virginia Tech and the park area. She is confident that the PATS building will be part of the grant. Journell is not comfortable with putting more murals up now. Tawney stated that there was no mold in the PATS building. It is paint that was painted over some type of texture. Journell stated that the renovation would involve the entire building. Eaton asked if we could open the windows now that the murals are in place. Vittum stated that the windows can be open and the murals can be taken down and placed somewhere else. Herbert stated that they had planned to start on the back panels. Re-allocating money was suggested to do the quilt mural on the old Ingram building coming into town from the south. They have not been able to contact the artist that did that mural. Munsey asked why they would need her permission. Herbert stated they would feel more comfortable with her saying they could use her pattern or give her the opportunity to do it herself. Munsey asked how long they had been trying to locate her. Herbert stated that they plan to discuss it further at their meeting next Monday night. Vittum stated that Council would only be considering the ball players on the back of the PATS building. He stated that in the current proposal there is money for the design of all of them but they only plan to do the ball players and repair the quilt mural.

Munsey made a motion that Council approve having the baseball murals on the back of the PATS building in the amount of \$1840 and re-direct the excess funds used to redo "Good Town Small People" mural. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Clark and Eaton. The motion carried by a vote of 6 to 0. Munsey suggested the Arts Council send a representative each time and it would help get things accomplished quicker.

Vittum stated that NRV Commerce Park has been designated as a Virginia Business Ready Site by VEDP. The park is designated as a Tier 4 Park which allows for construction permitting and all due diligence has been completed.

Eaton made a motion that Council hire Timothy Todd Meredith as Town Manager effective January 1, 2017. Munsey seconded the motion. Hartley informed Meredith that normally a manager has a contract with Council which he is preparing a draft to send to him to review. He stated that Meredith was entitled to have an attorney review it. The contract will be discussed in executive session. Voting yes: Mayor Dickerson; Council Members Williams, Munsey, Journell, Clark and Eaton. The motion carried by a vote of 6 to 0.

Hartley suggested Meredith stay for the rest of the meeting and be involved in the PSA and personnel discussions.

On a motion by Munsey, seconded by Eaton, passed by the following recorded vote, Mayor Dickerson, yes; Council Members Williams, yes; Eaton, yes; Munsey, yes; Harrell, absent; 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: and Council Vacancy and Compensatory Time for certain employees; and as permitted by Virginia Code § 2.2-3711 (A) (29), for discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Town regarding: PSA.

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, absent; 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, absent; 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.

Williams moved that Council approve and adopt the new Policy regarding Exempt and Non-exempt employees and begin tracking Compensatory Leave on December 1, 2016 with zero balances. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Clark, Munsey, Eaton, Williams, and Journell. The motion was approved 6-0.

CHANGES TO FLSA POLICY REGARDING EXEMPT/NON-EXEMPT POSITIONS

The following changes are made to positions considered exempt/non-exempt under the Fair Labor Standards Act (FLSA):

1. The policy of the Town is to grant compensatory time off in lieu of overtime to all non-exempt employees for all hours worked in excess of 40 hours per week or to pay overtime for those hours worked. Compensatory time off will be granted at the rate of one-and-one half hours for each hour worked in excess of 40 hours per week.
2. Use of compensatory time must be approved by the immediate supervisor or the Town Manager and must be used prior to using vacation or sick leave.
3. The following positions will be considered exempt from FLSA overtime regulations after December 1, 2016:
 - a. Town Manager
 - b. Town Engineer/Director of Public Works
 - c. Police Chief
4. The following positions will be considered non-exempt from FLSA overtime regulations after December 1, 2016:
 - a. Finance Director
 - b. Recreation Director
 - c. Librarian
 - d. Town Clerk
 - e. Building Official
5. For those positions changing status from Exempt to Non-exempt all remaining unofficial compensatory time may be used until November 30, 2016. All unused compensatory time will be canceled and no longer be available for use after November 30, 2016.
6. Beginning December 1, 2016 all Non-exempt Department Head level personnel will track and monitor any hours worked and turn those records over to the Town Manager at the end of each month. For this purpose, sick leave used, vacation leave used, and holidays will be counted as hours worked. Any hours logged over forty (40) in a week will be shown as Compensatory time earned and credited at time and a half. Any hours under forty (40) will be shown as Compensatory time used and deducted as straight time.
7. Non-exempt Department Heads will be allowed to accumulate no more than forty (40) hours of Compensatory time without the approval of the Town Manager. Unused compensatory time will be carried over from one fiscal year to the next.
8. Non-exempt Department Heads will not be eligible for Overtime Pay, except as follows:

- A. Using funds appropriated for this purpose by Town Council which would normally be shown in the annual budget document
 - B. Upon the approval of the request by the Town Manager and subsequent appropriation of necessary funds by the Town Council.
9. Those positions remaining exempt should continue to track compensatory time earned and used so that Town Manager can monitor and control usage.
10. Non-exempt employees will receive full payment for accrued compensatory time upon separation from the Town. All compensatory time shall be in accordance with state and federal requirements. Payment of compensatory time upon termination shall be in accordance with state and federal requirements.
11. Exempt employees may not carry over more than 40 hours of compensatory time from one fiscal year to the next. Exempt employees will not receive payout of unused compensatory time upon separation from the Town.

Williams moved that Council accept the resignation of Colin Munsey from Town Council, effective at mid-night November 30, 2016. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Clark, Munsey, Eaton, Williams, and Journell. The motion was approved 6-0.

Journell moved that Council accept the resignation of Colin Munsey as Delegate on the Giles County Public Service Authority, effective at midnight November 30, 2016 and appoint James A. Hartley as Delegate on the Giles County Public Service Authority effective mid-night at mid-night on November 30, 2016 to complete the unexpired term of Colin Munsey.

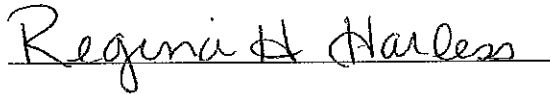
Eaton expressed appreciation on behalf of Council for his service on the Town Council. There being no further business, the meeting was adjourned.

APPROVED:



Mayor Robert L. Dickerson

ATTEST:



Regina H. Harless, Town Clerk