

Pearisburg Town Council met in Regular Session on Tuesday, April 11, 2017 at 7:00 p.m. at the Pearisburg Municipal Building Council Chambers. Present for the meeting was Mayor Dickerson; Council Members Eaton, Williams, Harrell, Clark and Ballard; Town Attorney Hartley; Town Manager Meredith; Town Clerk Harless; Police Chief Martin and Town Engineer Tawney. Also present was citizens Natalie Thwaites and Randall Weddle; and Zach Guynn, Virginian Leader.

Williams made a motion to approve and accept the Regular March 14, 2017 Council Minutes. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Williams, Harrell, Clark and Ballard. The motion carried by a vote of 6 to 0.

Mayor Dickerson opened a Public Hearing on Shentel Easement request. The applicant would like to have an easement on the property next to Giles County Dispatch building. This easement would help provide internet service to customers in Pearisburg. Hartley stated the deal was they were going to put the easement back in the original area assessed. Hartley asked if the bond check had been received. Tawney stated that to his knowledge it had not. Mayor Dickerson closed the Public hearing.

Hartley stated that Shentel was looking at other areas for the easement. He advised Council to table any decision and see what they have in mind first. Ballard asked if their position had changed. Hartley explained that Shentel had some concerns with the rock and was looking at a different location.

Clark reported on the Public Safety Committee. The Committee had discussed ceramic vests that absorb high power rifle rounds that could be kept in the officers vehicle trunk. They weigh approximately 25 lbs. This would provide additional protection to put on as needed in a threatening situation. Ballard thanked Chief Martin for everything the officers do. He felt Council should do whatever they need to support the police department. The estimated cost of the new body armor is \$2520.

Eaton made a motion that Council approve purchase of new body armor vests for \$2520. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Williams, Harrell, Clark and Ballard. The motion carried by a vote of 6 to 0.

Ballard reported on the Property and Recreation Committee. Recreation Director Martin was to be commended for all her hard work and effort on bringing in a surplus of \$4,065.47.

Mayor Dickerson asked if Council had any comments about what to use the \$5,000 for at the Community Center. Council talked about the electrical on the front lawn and the flooring for

Room #2. They discussed phasing in air conditioning later. Council discussed an incident at the Community Center and the need for staff to immediately get the pipes covered from the heating system to ensure no one else gets burned. Council would like staff to prepare an estimate on the floor for Room #2.

Council discussed the Parks and Recreation Revitalization Project. Thwaites addressed Council and stated that she had been in contact with Recreation Director Martin on the field size. Martin had indicated the need to have 225 foot for ages 8 to 12 and 250 foot for ages 13 to 15. Her concern was would there be enough space to get around two 250 foot fields. Thwaites stated that the permanent fencing would go around just the ballfields. Eaton stated that she liked the idea of the practice field being where the concession stand is currently located. Thwaites stated that Charlie Henderson can get started on the ballfield project this fall. He would move the dirt, complete leveling and tear out old bleachers. Ballard asked Thwaites how she felt about the two 250 foot fields. Thwaites stated she was fine with it. She was just concerned about available space for parking. Meredith suggested we could create a proposal and tie the project into an Economic Development Grant. Meredith will work on gathering more information about the grant. Thwaites stated that Hurt & Proffitt will be donating towards the project. She suggested asking if they would volunteer their time and measure the fields off. Eaton stated that based on comments from Council her understanding was that the majority of members preferred to have two 250 foot fields.

Randall Weddle addressed Council concerning the Giles High School Tennis Teams utilizing the town courts for practice in the evenings. He stated that the boys and girls alternate at the town park and high school courts. He stated that Tennis was a dying sport at GHS. This year the turnout for players was high. He did not want to cut anyone so he created a 12 player competition team and a practice team. He can see tennis growing in our area. This summer he hopes to hold a Future Spartans Tennis Camp. He feels the use of courts will grow. He plans to start holding tournaments and would like to work with the town to use them for tournaments. GHS has a former student playing at the collegiate level. Weddle stated that another sport that uses the tennis courts is pickle ball which is becoming popular. He would just like Council to consider keeping the courts. Eaton asked if all the courts at the town park were being used. Weddle stated that the tennis teams were using all the town park courts. Eaton mentioned use of Country Club courts and to check with them. Weddle stated that one town court was in bad

shape with a film on it and its rough. He has also made some repairs to the nets. Weddle thanked Council for their time.

Thwaites stated that she had checked at Castle Rock and they have two courts in good shape not being used. Meredith stated that the project needs to be aligned with the Town's strategic goals. He stated that council needs to consider where they want to take the town in 5 years. Meredith also reiterated that the project has economic implications for the town and that economic development grants may be available if the design chosen is likely to increase the amount of business in the Town's downtown district.

Thwaites asked Council if they had any changes to the proposed master park plan. Thwaites addressed the Senior Center and felt something needed to be done there. Eaton liked how the entrance to the pool and Senior Center had been changed on the design. Ballard asked Council if it was fair to say that the biggest choice to decide on was the tennis courts and splash park. Thwaites feels the splash pad would be used. Eaton suggested using the one court in the worst shape. Thwaites will provide the design team with Council comments on the plans.

Harrell reported on the Finance Committee. Meredith explained the line items in the proposed Budget Amendment. Council discussed the Farmers Market Fund.

The Committee recommended Council approve Budget Amendment 2016-2017-05.
Voting yes: Mayor Dickerson; Council Members Eaton, Clark, Harrell, Ballard and Williams.
The recommendation carried by a vote of 6 to 0.

Eaton reported on the Public Works Committee. The water loss for February was 28.03%. The Committee discussed sidewalk replacement in the downtown area near the Town Hall. The public Works crew has been clearing brush from right-of-way's. There were no recommendations.

Clark reported on the Farmers Market Sub-Committee. She commended Hazelwood and Harless for all their hard work.

Williams made a motion that Council approve Parade Permit Applications for a 5k/10k Run on August 19 and for the Fire Truck rides during the Festival on June 17. Harrell seconded the motion. The Committee recommended Council approve Budget Amendment 2016-2017-05. Voting yes: Mayor Dickerson; Council Members Eaton, Clark, Harrell, Ballard and Williams. The recommendation carried by a vote of 6 to 0.

Clark made a motion that Council award an Arts Challenge Sub-Grant to the Giles Arts Council as follows: Music at the Market Concert Series for \$3700; Kids at Market Art Program for \$1215; and Promotion of Music Concert Series for \$375. Eaton seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Clark, Harrell, Ballard and Williams. The recommendation carried by a vote of 6 to 0.

Harrell made a motion that Council donate \$150 to sponsor a table at the Pearisburg Junior Woman's Club Denim and Diamonds event. Ballard seconded the motion. Abstaining: Eaton. The recommendation carried by a vote of 5 to 0.

Eaton made a motion that Council donate \$225 to sponsor a table for the Chamber of Commerce Banquet. Ballard seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Harrell, Ballard and Williams. Abstaining: Clark. The recommendation carried by a vote of 5 to 0.

Meredith explained the proposed Misuse of Public Assets Policy. He felt that Council needed to establish a town policy to follow state code and safety liabilities concerning use of town property without lawful authorization. Tawney asked Hartley about citizens and employees borrowing the snake for sewer problems. Hartley replied that the Town Manager could authorize the use of town assets in certain situations. Meredith stated that the state puts an annual limit of \$1,000 on the asset. Ballard stated that if the use of the snake were authorized several times, then the value could exceed \$1,000. Tawney stated that citizens typically borrow the snake when the backup is on their private line. Clark asked if someone could create more

damage to their private lines, if they don't know how to operate it? Tawney stated that it was simple to operate. He asked if Council could have a policy that states when citizens can use the snake. Meredith stated that he would evaluate each situation as needed; however, any authorization would have to fit under the state code. Hartley stated that perhaps the council should refer the issue to the appropriate committee to determine which equipment the town is willing to loan out. Tawney stated that there was one incident where they guy tore it up. Eaton asked if he had to pay for it? Tawney stated that he did not remember. Clark stated that she was inclined to say no. Tawney agreed. Ballard stated that we were required to follow the state code anyway. Hartley stated that the questions what does council want the Town Manager to loan out. Clark stated that it may be easier to just say we don't loan out equipment. Hartley stated that the Town needs to be consistent no matter what it does. Ballard stated that he deferred to the Town Manager on it. Tawney understood that any further use would have to be approved from the Town Manager.

Eaton made a motion to approve the Misuse of Public Assets Policy. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Clark, Harrell, Ballard and Williams. The motion carried by a vote of 6 to 0.

Misuse of Public Assets Personnel Policy

Purpose: The purpose of this policy is to establish Town of Pearisburg personnel policy and responsibilities concerning the misuse of public assets and to ensure compliance with Code of Virginia Section 18.2-112.1.

Policy Statement: It is prohibited for any full-time or part time officer, agent, employee, or elected official of the Town of Pearisburg to, without lawful authorization, use or permit the use of public assets for private or personal purposes unrelated to the duties of their office or any other legitimate government interest.

For purposes of this policy, "public assets" means real or personal property belonging to or paid for by the Town of Pearisburg, or the labor of any person other than the accused that is paid for by the Town of Pearisburg.

Employee Signature

Date

Employee Name (printed)

Town Manager Signature

Date

Williams made a motion to approve the Smoke Free Workplace Policy. Eaton seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Clark, Harrell, Ballard and Williams. The motion carried by a vote of 6 to 0.

Smoke-Free Workplace Personnel Policy

Purpose: The Town of Pearisburg is dedicated to promoting a safe and healthy workplace and to promoting the health and wellbeing of its employees. To meet this commitment, smoking and tobacco use are prohibited for all employees in all Town of Pearisburg Buildings enclosed facilities and Vehicles. Smoking and tobacco use is permitted outside on real estate owned by the Town of Pearisburg.

Definition of Terms

For the purpose of this policy:

- "Smoking" means inhaling, exhaling, burning, or other personal use of a lit or unlit tobacco or simulated tobacco product, including cigarettes, electronic cigarettes, cigars, electronic cigars, hookahs, pipe tobacco, and any other tobacco products or simulated tobacco products.
- "Tobacco use" means the personal use of any tobacco or simulated tobacco product, whether intended to be lit or not, which includes, but is not limited to smoking, as defined above, the use of any other device intended to simulate smoking, as well as the use of smokeless tobacco, including snuff; chewing tobacco; smokeless pouches; any other form of loose-leaf, smokeless tobacco; and the use of unlit cigarettes, cigars, and pipe tobacco.

Policy Statement

Smoking and tobacco use are prohibited for all Town of Pearisburg Employees in all facilities and vehicles owned or leased by the Town of Pearisburg.

Employee Signature

Date

Employee Name (printed)

Town Manager Signature

Date

Ballard made a motion to approve the Distracted Driving Policy. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Clark, Harrell, Ballard and Williams. The motion carried by a vote of 6 to 0.

Town of Pearisburg
Distracted Driving Prevention Policy
(Use of Wireless Communication in Vehicle Operations)

Purpose

The purpose of this Distracted Driving Prevention Policy is to establish policy and procedures for employees of the Town of Pearisburg regarding the use of wireless voice/data communication devices (town or privately owned) when operating town vehicles.

The use of handheld mobile communications technologies has proliferated in recent years, and some drivers continue to use devices while operating vehicles. Use of electronic devices while driving is highly distracting and is associated with increased crash risk similar to the elevated crash risk of alcohol-impaired driving.

Policy Statement

The safety of the public and our employees is of paramount importance to the Town of Pearisburg. The primary responsibility of employees operating town-owned vehicles is to operate their vehicles safely in all driving conditions and circumstances.

Town employees are often required to operate a variety of communication and work equipment in the performance of their official duties, and the use of additional handheld devices contribute to distracted driving by town employees in the performance of work related duties.

In order to increase public and employee safety, it is essential to eliminate unnecessary risks behind the wheel, and therefore, the Town of Pearisburg has enacted this Distracted Driving Prevention Policy effective April 11, 2017.

This policy prohibits certain uses of wireless voice/data communication devices.

- **Limitations on Work Use of Wireless Voice/Data Communication Devices While Driving.** It is the policy of the Town of Pearisburg that use of wireless voice/data communication devices while the vehicle is in motion is prohibited unless utilized in a hands-free manner such as Bluetooth or speaker. This allows the driver to keep both hands on the steering wheel, thus having better control of the vehicle.
- **Prohibition on Personal Use of Handheld Electronic Mobile Devices While Driving.** Employees may not use wireless voice/data communication devices for non-work related personal use while they are driving. While it is understood that carrying a personal cellular telephone or other wireless voice/data communications device on duty or during work-related functions is a convenience, anyone choosing to carry one of these devices must comply with the stipulations regarding hands-free use set forth in this policy's procedures in order to prevent distracted driving.

Violations of this Distracted Driving Prevention Policy may result in the loss of this convenience and/or disciplinary action. By curtailing distracted driving, our primary goals are the safety of the employee and the public as well as minimizing the destruction of property.

Exemptions

The provisions of this personnel policy shall not apply to:

1. The operator of any emergency vehicle while the employee is engaged in the performance of his or her official duties;
2. An operator who is lawfully parked or stopped;
3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system; or
4. Any person using a handheld personal communications device to report an emergency.

Definitions

Distracted Driving: For the purposes of this policy, distracted driving means any driving activity a person engages in while using a wireless voice/data communication device when operating a motor vehicle. Such activities have the potential to distract the person from the primary task of driving and increase the risk of crashing and injury to self, others, and damage to town property and vehicles.

Wireless Voice/Data Communication Device: A wireless voice/data communication device is any device capable of transmitting and receiving voice or data communications without plugging into a wired land-based phone network. For the purpose of this policy, such equipment will include, but will not be limited to, the following:

1. Pagers
2. PDAs (Personal Digital Assistants)
3. Cellular telephones
4. Certain real-time navigational systems
5. Smartphones and devices for voice and/or data
6. Mobile Data Terminals/Computers (MDT/Cs)
7. Wireless air cards

Text Messaging/Texting: For the purpose of this policy, the term "text messaging" or "texting" means reading from or manually entering or transmitting data into any handheld or other electronic device, including, but not limited to, sending Short Message Service (SMS) text messages or Multimedia Message Service (MMS) text messages. Text messaging/texting also includes sending or receiving mail, instant messages, obtaining visually assisted navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

Use: The term "Use" means talking on or listening to a wireless telephone, or engaging the wireless device for text messaging/texting, email, or other similar forms of manual data entry or transmission. "Use" also includes taking photographs, accessing the Internet, reading messages or data files, and any other utilization of the device.

Emergency Vehicle: The term “emergency vehicle” means:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law enforcement officer;
2. Any vehicle used to fight fire, when traveling in response to a fire alarm or emergency call.

Responsibilities

It is the responsibility of each employee of the Town of Pearisburg to be familiar with and adhere to established Town of Pearisburg policies and state and local laws that deal with computers, telephones and other wireless/voice data devices or inattention while driving, including this policy on Prevention of Distracted Driving.

Procedures

Unless otherwise noted, the following procedures and requirements shall apply to both personally owned and town-issued cellular telephones or wireless voice/data communication devices utilized during vehicle operation.

- **How Devices May be Utilized.** Member employees may carry a cellular telephone or other wireless voice/data communications device purchased at their expense or issued by the town.
- **Hands-free only.** The vehicular use of a cellular telephone or other wireless voice/data communications devices is permitted only when the device is used with available hands-free listening technology such as a Bluetooth earpiece, a wired ear bud, or temporary vehicle-mounted hands-free technology. If available, utilization of the device’s speakerphone capability while it is in a cell phone mount or holder is acceptable in meeting the intent of this section.
- **Text messaging/texting prohibited (see definitions).** It is against this policy and prohibited to use wireless voice/data communication devices, either issued by the town or personally owned, for text messaging (i.e., sending or reading text messages or emails or other manual operation defined by this policy as text messaging/texting) while a town owned vehicle is in motion whether on duty or off duty.

I acknowledge that I have received a written copy of the Distracted Driving Prevention Policy, that I fully understand the terms of this policy, that I agree to abide by these terms, and that I am willing to accept the consequences of failing to follow the policy.

Employee Signature

Date

Employee Name (printed)

Town Manager

Date

Council discussed the Tanmay LLC property off Wenonah Avenue. Hartley stated that had checked into the potential tax sale. He stated that a partial payment for the mortgage was made to Union First. He stated that Chidester is working on several similar cases for the County. Hartley is doubtful that Tanmay will ever be able to pay off all the debt. The property is assessed for \$80,000 and the mortgage is much more than that. The fire insurance paid a certain amount to the mortgage holder. He did not know an amount. Eaton asked when the tax sale was scheduled. Hartley felt it would be in a few months. Clark and Eaton suggested having the tax sale. Hartley stated that the County is just looking at the taxes in the arrears. He will check on a time table. He stated that if Council went this route he would have to do the same process as Chidester and it might not get done any sooner since it would be a whole new law suit. He suggested seeing if anyone that has a lien on the property wants to pay the taxes and buy the property. Hartley suggested Council contact the County Administrator.

Clark discussed considering a Bill passed by Joseph Yost. The Bill refers to blighted properties. She suggested that the Town see if it met the conditions for the Bill. It must be assessed for less than \$5000. Hartley provided Meredith with a copy of the bill. Clark stated that Building Official Wilson was looking at a list of blighted properties. Hartley stated you still have delinquent taxes. The town can make a list of delinquent taxes and compare with the County. Hartley stated that we need to look at the inventory. Clark suggested using the town list and see what will fit on the ones already listed with the County. Meredith will look into the matter further.

On a motion by Williams, seconded by Clark, passed by the following recorded vote, Mayor Dickerson, yes; Council Members Eaton, yes; Williams, yes; Ballard, yes; Harrell, yes; Journell, absent; and Clark, yes; Council went into Executive Session as permitted by as permitted by Virginia Code Section 2.2-3711(A) (7), for consultation with legal counsel, and the 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 the legal advice by such counsel; re: PSA and Virginia Code Section 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; re: PSA.

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

On a motion by Williams, seconded by Ballard, and passed by the following recorded vote, Mayor Dickerson, yes; Council Members Eaton, yes; Williams, yes; Ballard, yes; Harrell, yes; Journell, absent; and 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 the business license policy and enforcement of that policy.

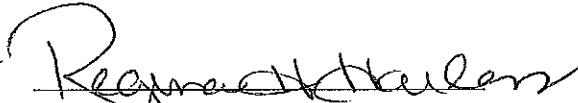
There being no further business the meeting was adjourned.

APPROVED:

ATTEST:



Mayor Robert L. Dickerson



Regina H. Harless, Town Clerk