

Pearisburg Town Council met on Tuesday, September 12, 2017 at 7:30 p.m. in the Pearisburg Town Council Chambers. Present for the meeting was Mayor Dickerson; Council Members Eaton, Clark, Harrell, Journell, Ballard and Williams (Planning Commission Member); Town Attorney Hartley, Town Manager Meredith, Town Clerk Harless, Town Engineer Tawney, Building Official Wilson, Chief Martin, Officer Ratcliffe and Officer Spicer. Also present was Planning Commission Members Collins, Moye and Muncy; Citizens Steve Taylor, Debbie Taylor, Dianna Givens, Crissy Hagwood, Perk Givens, Harv Givens, Charles R. Henderson, Robert A. Givens, Natalie Thwaites, Buddy Blevins, Rick Witt, Carolyn Witt, Robert M. Lilly Jr.; Hurt & Proffitt representatives Dennis Amos, Bif Johnson, and Keli Ratcliffe; and Virginian Leader, Zach Guynn.

Ballard made a motion that Council approve the Regular August 8, 2017 and Special August 29, 2017 meeting minutes. Williams seconded the motion. Voting yes: Mayor Dickerson; Council Member Eaton, Clark, Harrell, Journell, Ballard and Williams. The motion carried by a vote of 7 to 0.

Mayor Dickerson opened a joint Public Hearing with Pearisburg Planning Commission on a Conditional Use request submitted for 804 Fort Branch Road to offer a cottage detached from the main dwelling on this property for an Air Bed and Breakfast. Meredith stated that no comments were received on the application request. Mayor Dickerson closed the Public Hearing.

Mayor Dickerson recessed Council for Planning Commission to meet.

Council returned to regular session.

Collins stated that the Planning Commission recommends that the Conditional Use Permit be approved with no conditions for Steve and Debbie Taylor to operate an Air Bed and Breakfast.

Eaton made a motion that Council accept the recommendation from Planning Commission to approve the Conditional Use Permit for Steve and Debbie Taylor to operate an Air Bed and Breakfast. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Member Eaton, Clark, Harrell, Journell, Ballard and Williams. The motion carried by a vote of 7 to 0.

Mayor Dickerson and Town Council presented a resolution in honor and memory of former Mayor John Harvey Givens Jr. to his family.

Dennis Amos of Hurt & Proffitt addressed Council. He stated that the Town has partnered with Community Design of Virginia Tech (VT) to update the master plan for the town park and that they had cost estimates to present Council on the park plans.

Bif Johnson, CEO of Hurt & Proffitt addressed Council. He spoke about how tourism is increasing in Virginia. Pearisburg has great amenities in the area. He stated that the possibility of a revitalized park would be a great addition to our tourist attractions in the area. He stated that Hurt & Proffitt was asked to put together cost estimates on each one of the items listed on the VT Park Plan. He wanted Council to keep in mind as they go through the costs they can be adjusted. Since they didn't have a time schedule, they did not project any future costs representative of today's cost. He stated that Hurt & Proffitt went a little high on the estimates.

Johnson started by briefing Council on the Little League Baseball Field Complex. He stated that VT suggested some extension and expansion of the fields. There would be drainage and grading that would need to be addressed for this phase. The projected cost of the fields was \$505,530. The plan called for a concrete promenade which could be done with crushed stone to reduce the cost. There are donor opportunities for fields to be named after citizens or businesses. The plan calls for a press box and concession stand that would be a two-story facility. He stated that mid-level commercial grade appliances were included in the cost. This facility would include a PA system, concession stand and bathrooms. The total estimated cost for this facility is \$153,000.

Johnson went over the plans for the volleyball court, splash pad and foot washing station. Estimated cost of splash pad would be \$199,000. The estimated cost per year is \$4,000 for electricity and depending on type of equipment the chemicals would cost around \$4,000. He went over other cost estimates on the other projects. He stated that obviously we have a great opportunity to do portions of the project in phasing. He stated that from a funding standpoint there are donor opportunities. He indicated there were agencies that the town could apply for grants.

Ballard asked Johnson what, in terms of phasing, he recommended as the most logical approach. Johnson suggested doing as much grading as possible and get that out of the way. He would do both the baseball fields and the small football practice field at one time.

Eaton asked about the bleachers and if they were the tier grass or concrete. Johnson stated the cost would cover either one. He stated that metal bleachers are cheaper long-term from a maintenance standpoint.

Mayor Dickerson thanked Hurt & Proffitt for taking on this project and providing cost estimates.

Meredith reported on the Parks and Rec Revitalization Committee. They reviewed the cost estimates and felt they were inflated. The Committee believes the project may be completed at a significantly lesser cost. Meredith asked Charlie Henderson to address Council about the project.

Henderson addressed Council about phasing the project. He believes the easiest way to begin the project would be with Phase 1 - Part 1 which is the field closest to Wenonah Avenue. He indicated there was a minimal amount of work that needs to be done for that portion to be completed. He stated that most of the grading is where the seeding will need to be done. They would only be removing a tree and portion of the bank.

Henderson stated that the biggest change on the practice football field was the diamond and pitcher's mound. The grading and seeding could be completed by next April. He knew that Council didn't want to disturb that area too much and make it available for multi-purpose events. As far as funding goes he plans to donate as much as he possibly can to the project. He stated that Phase 1 - Part 2 which is the current baseball field could be completed in late fall or winter of 2018 depending on funding. He understands that Council did not want permanent fencing. He mentioned a temporary 6' x 12' fencing that could be moved around very inexpensively. He estimated around 1200 feet of temporary fencing would be needed for both baseball fields. He stated that if you purchased the fencing for all of Phase 1 it would save money and you could build as you go. The Committee felt after baseball fields were completed to move into grading and doing the new football practice field.

Henderson stated that he would love to donate his time for this project. He felt our youth needed the facility in the county. The Committee is working with the Giles Technology

Center with regards to assisting with the design and construction of the press box. He feels this would excite and involve the youth in the community which would help build character and confidence in our youth.

Meredith stated that the Committee would like to start fund raising for Phase 1 - Part 1 which is the proposed baseball field closest to Wenonah Avenue. The Committee is looking for Council approval. He feels it would be minimal risk to the town.

Clark made a motion that Council move forward with authorizing staff and the Committee to begin fundraising for Phase 1, Part 1 for the planned baseball field beside Wenonah Avenue. Eaton seconded the motion. Voting yes: Mayor Dickerson; Council Member Eaton, Clark, Harrell, Journell, Ballard and Williams. The motion carried by a vote of 7 to 0.

Bobby Lilly addressed Council. He wanted to take a moment to tell Council about what is going right and thank them for the support of their police department. He stated that over a year ago in 2016 the Pearisburg Police Department worked a case at Walmart. He stated that four town officers charged six defendants with money laundering. They were running a credit card scam. Lilly received a call a few weeks ago from the US Attorney's Office that the six individuals were convicted in federal court. He wanted to thank Council and the Pearisburg Police Department for everything they do which makes a big impact well beyond Giles County. Eaton stated that she was super proud of our department and was not sure the citizens realize the volume of cases their department works.

Rick Witt addressed Council on Cigarette Tax Enforcement. He stated that Clover Dew has been in business since 1991. He stated in 2016 his business generated revenue of \$55,000 for the town in meals tax, business license, real estate and property taxes and cigarette taxes. He spent around half a million dollars on employee payroll. He has created countless first jobs for young adults over the years. He stated that he has chosen to live in this community. He does a lot for local schools and charitable organizations. He stated that on August 17 he had the privilege of meeting the new Town Manager Meredith. He stated the reason for meeting him was that Meredith and Officer Ratcliffe came to examine the cigarette inventory to see if the town cigarette tax stamp was affixed. He stated that during this encounter Meredith

confiscated cigarettes that did not have a town stamp affixed. He is here about the Town standards of enforcement and penalties for infractions.

Witt provided Council with a handout showing a photograph taken of 3 cartons of cigarettes he took off the shelf in the cage. Witt stated that he could only speak for his store but he felt the distributor, Layman from Salem, was doing a good job and they were local. He explained that Layman comes to the Town Hall and buys stamps and takes them to their warehouse where they affix them on the cigarette packs. He stated that Clover Dew averages 300 cartons per week in sales.

Witt stated that according to the way the town stamp is being enforced, the town is expecting Witt's employees to examine each pack for a stamp closely. He asked what standard the town was holding the stamp in comparison to for being properly affixed. He has attempted to work hard with the store vendor to make sure the stamp is legible. He stated that from what he has gathered there are three (3) distinctive types of infractions. They are as follows: not stamped at all, slow moving products, and distributors took them to the wrong location. He stated that for example some of his cigarette packs had Town of Rich Creek on them. He felt the town might want to look at using a higher quality stamp. He felt that Town Officials should have visited the merchants to see how cigarette stamps were working out shortly after implementing the cigarette tax ordinance.

Ballard asked Witt if he had read the Cigarette ordinance and did he realize there is no discretion for Town Council to exercise with enforcement. He stated it was mandatory enforcement. Witt stated he had read the ordinance and understands the ordinance. He asked if the town had looked at other jurisdictions. Witt invited Council to come in the store and see how it is working and help them work towards properly affixing the stamps. Ballard stated that he appreciates small businesses. Witt stated that he has no issue with the ordinance but he does have an issue with the enforcement that Town Council and the Town Manager has no discretion in enforcing. Ballard stated that the ordinance mirrors the state code if Witt is referring to the stamp. He felt Council could work with Witt on that matter. Witt stated that even the state stamp was not legible. He stated that if you see a portion of the stamp affixed he can assure the town the tax was paid.

Ballard stated that from the towns perspective the stamp is the only enforcing mechanism that assures us the tax has been collected. Witt stated that the vendor purchases large amounts of cigarette stamps. He stated that his business gets around 3,000 packs a week. Ballard stated that part of the issue seems to be with the distributor. Witt has sent back 100's of packs improperly stamped.

Ballard asked if it would be beneficial to make it more of a discretionary enforcement function and some type of administrative appeals process. He stated that the current ordinance has the hands of the town tied because it's a mandatory function the way the law is written. We can certainly look at amending the ordinance if that's what you are suggesting. Council can look at the stamping procedure. Ballard stated that as the ordinance is currently written there is no discretion in the law. Witt is asking for whatever means the town has to show consideration for merchants who try to comply. He stated that under the current ordinance, he does not see how his business can comply. He stated that no one went to the businesses and talked to them about the cigarette stamps. Ballard asked Witt if he attended the public hearing last year on the cigarette tax or if any other business was present. Witt stated that he did not attend. He stated that he has an issue with the heavy-handed procedure used for enforcement.

Clark stated that she did not see the town cigarette stamp on what she purchased. She showed Council and Witt a carton she had just purchased that didn't have the state or the town stamp properly affixed on them. Witt stated that he sent them back and they tried to comply.

Carolyn Witt addressed Council with her concern on how the stamps are being affixed. They are working with the vendor. They send the cigarettes back to be stamped. She does not know if it's the quality of stamp or the vendor. She stated that others have advised them to purchase from other vendors. They need the towns help and guidance on how to make it work. Rick Witt stated that he does not break the seal on every carton to see if they are complying.

Hartley stated that the Council desires to work through this matter with the local merchants. Hartley stated that the town could look at exploring a relationship with the state where we do cooperative stamping. He is not sure the option is available but the town could consider the idea. He stated that it was Councils desire to work with the local businesses.

We can look at a cooperative arrangement with the state. He stated that he was not aware of the details. If it works for the state, the Town may be able to work a deal where our tax would be affixed with the state. He stated that he was not sure if it is available. He informed Witt the reason for the town checking the businesses was due to a State Agent coming to the town after his inspection of state stamps making the town aware that their stamp was not being affixed to significant numbers of cigarette packs. Witt stated that when the state person came, they pulled the cigarettes immediately and put black x's on them so they could return them to the vendor to be compliant. Hartley stated that from the towns perspective, it put them on alert that there was a problem.

Meredith stated that he had asked the vendors about the paper for the stamps. They informed him the real trick is the level of heat applied. He is waiting to hear from them about the type of paper being used. Hartley asked Witt if he knew whether the vendor stamped both the state and town. Witt stated that he was not sure.

Eaton stated to Witt that the town did speak to the Town of Rich Creek prior to looking at adopting the cigarette tax ordinance. She stated that Rich Creek did random inspections at their businesses. Clark stated that the Corner Market in Rich Creek returns the cigarettes if they are not properly affixed. Witt informed Council that the stamp for Pearisburg has the same graphics as Rich Creek, Salem, Rocky Mount and Bedford. Hartley asked if the entire carton was mixed up or all had the same stamp. Witt stated that it was mixed up.

Witt wanted to address the town standards of enforcement on the cigarette tax. He stated he is currently trying to comply. Hartley stated that from what he understands there are three (3) problems with the stamps. They are either illegible, the wrong locality or no stamp at all. Hartley asked Witt how many cartons he breaks down for individual sales. Witt stated it was 60% cartons and 40% packs.

Meredith stated that the larger vendors stamps were well marked. He stated that a smaller vendor was going to take back a carton of their cigarettes and see if they could figure out the problem with affixing the stamp. Witt stated that he hated the thought of switching vendors but needs to find one that will comply. Meredith stated that if they contact him he will work with them to achieve compliance.

Crissy Hagwood asked Council what they advised her to do if she had two packs from the cartoon not affixed. Does she send the whole carton back? Hartley stated that Council and staff needed to look at setting some guidelines for the store owners.

Ballard asked Witt if the vendor tried to refuse the cigarettes when they want to return them for discrepancies. Witt stated that it had not been a problem yet.

Hartley stated that Town Council does not want to discourage business in the town. He stated that Council wants to find a solution to the problem and assist the business owners. Witt stated that his perception was his reality as to how things took place. Hartley stated that we have heard you and will be getting back to you.

Clark reported on the Public Safety Committee. Mayor Dickerson wanted to thank Officer Ratcliffe and let him know council appreciates him. He stated it was impressive to have a town officer appointed to serve on the Board of Directors of the Virginia Crisis Intervention Team.

Journell reported on the Property and Recreation Committee. She stated that the Giles Technology Center students would be doing the repairs to the steps at the Community Center. The glass in the new enclosure has been installed in the Treasurer's Office. Staff has discussed a handicap ramp with the renter of 100 South Main Street. A portion of the work would need to be completed by the owner of the property.

Council mentioned the need for a handicap ramp at Papa's Pizzeria. Wilson stated that due to the rise in height needed to place a ramp there it would take away two parking spaces. Eaton stated that she has been looking at a VDOT grant for sidewalks. Meredith has been gathering information to assist with the need for handicap ramps on town sidewalks. Mayor Dickerson complimented Wilson on the Treasures Office new enclosure.

Harrell reported on the Finance Committee. She stated the Committee discussed the need for access to a person search engine. This technology would make it easier for staff to search for and contact persons owing delinquent taxes. Hartley stated that on delinquent taxes staff should realize the names on the tickets may not be the responsible party. The property could have been sold. He mentioned that the County Clerk's Office has a program that would

show what properties have been sold. The town can purchase the program for a fee. He stated that VAMANET is only updated once a year and not a good resource.

The Committee recommended that Council approve a DMV rate increase from \$35.00 to \$40.00 to cover the increased fee charged to the Town from the State of Virginia. Voting yes: Mayor Dickerson; Council Member Eaton, Clark, Harrell, Journell, Ballard and Williams. The recommendation carried by a vote of 7 to 0.

The Committee recommended that Council approve the Publication of the Delinquent Personal Property Tax list and the Delinquent Real Estate Tax list. Voting yes: Mayor Dickerson; Council Member Eaton, Clark, Harrell, Journell, Ballard and Williams. The recommendation carried by a vote of 7 to 0.

Meredith updated Council on the Business Incentive Grant applications that were sent in last year. The town has applications from Bobby Smith and Troy Williams. Ballard questioned whether the cameras should be considered as an improvement to the look of the buildings and if it met the grant criteria. Meredith felt Council has flexibility in awarding the grant. Clark mentioned using leftover grant money to replace canvas awnings in the downtown. She stated that there was a strong desire from the merchants that the town consider replacing them. Journell stated that the merchants could apply next year. Hartley suggested amending the grant process to allow for awnings. He suggested surveying the merchants about replacement of awning and staff determine prices. Ballard stated that if the two applicants were denied this year we could use the money to begin replacing awnings. Eaton stated that staff needed to notify Mr. Smith that he did not meet criteria but could reapply next year. Council discussed giving Mr. Williams a portion of his request on what met the criteria.

Clark made a motion that Council approve awarding a Business Incentive Grant of \$750 to Troy Williams for improvements on his storage building rentals. Harrell seconded the motion. Voting yes: Mayor Dickerson; Council Member Eaton, Clark, Harrell, Journell and Williams. Voting no: Ballard. The motion carried by a vote of 6 to 1. Ballard commented that Troy Williams business looks wonderful but he felt the focus should be on the downtown businesses.

Clark made a motion that Council amend the Business Incentive Grant Program to assist downtown business in rehabilitation of awnings in the downtown business area. Staff will survey the owners and see if they are interested. Journell seconded the motion. Voting yes: Mayor Dickerson; Council Member Eaton, Clark, Harrell, Journell, Ballard and Williams. The motion carried by a vote of 7 to 0.

Meredith stated that he could add an item to the Business Incentive Grant stating that if all grant money is not awarded, council at their discretion, can utilize remaining grant funds in the downtown for exterior or interior improvements.

Eaton reported on the Public Works Committee. The water loss for July was 29.4%. Staff repaired leaks in August equaling 1,145,000 gallons of loss. Eaton stated that a VDOT Sidewalk Grant was discussed. The committee discussed extending sidewalks from Wenonah Avenue to the Town Library.

Clark stated that she would do a year-end report in November on the Farmers Market. Meredith reported on the Parks and Rec Revitalization Subcommittee. They discussed the cost estimates from Hurt & Proffitt. He stated that after hearing Charlie Henderson's input they have a more feasible cost estimate. The committee feels the projects can be divided up and create less risk to the town without the project collapsing. Eaton stated that staff needs to make sure we are clear with Henderson on what he is donating. Eaton asked Hartley about liability. Hartley stated that we should have a memorandum agreement for Henderson's services. He said the agreement can be very simple. It would not require any bidding or RFP. Meredith stated that the committee discussed the possibility of acquiring services of a project manager or looking at a volunteer to facilitate the project. Eaton asked what qualifications would be needed. Meredith stated that the committee had not worked out the details yet. Tawney stated that when the grade work takes place you will need to place the sewer and water lines as part of first phase. Eaton asked about the location of tying the lines. Tawney stated it could go either across the field where the sewer line runs through the yard and connect or up and over the hill near the pool with a pump. They would need to be stubbed out before the grading starts.

Council discussed the fundraising for the project. Meredith stated that all correspondence would be reviewed by him and the committee prior to being distributed. Clark asked if the letter would be on town letterhead. Meredith planned for the letter to be on our letterhead. Meredith stated that Henderson starting the project was contingent upon funds being available.

Williams made a motion to approve parade permits for the GHS Homecoming and Fireman's parades. Ballard seconded the motion. Voting yes: Mayor Dickerson; Council Member Eaton, Clark, Harrell, Journell, Ballard and Williams. The motion carried by a vote of 7 to 0.

Meredith stated that when the letter goes out approving the parade to the applicant the rules will be attached. Hartley stated that if someone holds an event and fails to remove their signs put their name on record for not complying. Council would like to see rules created for citizens holding yard sales.

Hartley stated that through a donation from Carilion Clinic the town acquired the McClean Drug Store building. Then the town sold it to the Giles Health and Family Center. At that time, the town wanted to have input on the facility. He stated that the question now is does the town want the authority? Eaton stated that Giles Health and Family center would like the sentence removed that states Town Council shall appoint three (3) of the members.

Eaton made a motion that Council authorize Giles Health and Family Center to amend their By-Laws by removing the requirement that Town Council shall appoint three (3) of the members. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Clark, Harrell, Journell, Ballard and Williams. The motion carried by a vote of 7 to 0.

On a motion by Williams, seconded by Clark, passed by the following recorded vote, Council Members, Dickerson, yes, Williams, yes; Eaton, yes; Ballard, yes; Harrell, yes; Journell, yes; Clark, yes; Council went into Executive Session as permitted by Virginia Code § 2.2-3711 (A) (3), for discussion or consideration of a matter involving the acquisition of real property for a public purpose, or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the Town's bargaining position or negotiating strategy of the Town; 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.

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

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

Williams made a motion that Council offer cigarettes seized from all nine local sellers on August 17, 2017 back to the original seller at a cost of .05 cents per pack. Any unclaimed cigarettes will be offered to the sellers on a first come, first serve basis at a cost of \$2.50 per pack. Ballard seconded the motion. Voting yes: Mayor Dickerson; Council Members Eaton, Clark, Harrell, Journell, Ballard and Williams. The motion carried by a vote of 7 to 0.

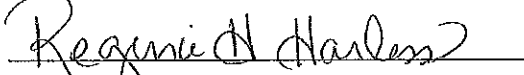
There being no further business the meeting was adjourned.

APPROVED:



Robert L. Dickerson, Mayor

ATTEST:



Regina H. Harless, Town Clerk