

AGENDA
TOWN COUNCIL MEETING
Tuesday, September 1, 2020
7:00 p.m.



Legislative Session

Council Chambers

5:30 p.m.

Closed Session

- 1. Call to Order** Mayor Collins
- 2. Roll Call of Council**
- 3. Modifications to the Closed Session Agenda**
- 4. Closed Session**
 - a. Va. Code 2.2-3711 (a) 1, (**2 items**) personnel matters re: performance of interim town manager; boards and commission appointments;
 - b. Va. Code 2.2-3711 (a) 3, (**2 items**) acquisition of property/disposition of property
 - c. Va.Code 2.2-3711 (a) 7, (**1 item**) consultation with legal counsel re: zoning violation

7:00 p.m.

Public Session

- 5. Certification of Closed Session**
- 6. Pledge of Allegiance** Councilman Dawson
- 7. Invocation** Councilman East
- 8. Modify Public Session Agenda If Necessary**
- 9. Guests and Visitors**
Recognize Audience Present
- 10. Presentations**
 - a. Presentation for Mike McManus, Resolution 2020-24
 - b. Presentation for Olivia Hale, Resolution 2020-25
 - b. Presentation for David L. Clark, Resolution 2020-26
 - c. Presentation for Joseph K. Goodman, Resolution 2020-27
 - d. Pulaski County Staycation Destination, Peggy White, P.C. Chamber of Commerce
 - e. Mobile Market Plan-Beans & Rice
- 11. Public Hearings**
- 12. Public Comment Period**
*(The Town Council welcomes your input. You may **address the Council** by completing a **speaker's slip** available at the door and giving it to the Clerk of Council prior to the meeting. At this time, you may address the Council on items that are not on the agenda or items on the Consent Agenda. Time limit is five (5) minutes.)*
- 13. Consent Agenda**
(The Consent Agenda is approved on one motion. Council Members may pull consent items to be considered after business items.)
 - a. Consideration of August 18, 2020 Council Meeting Minutes

14. Old Business

- a. Reconsideration of Graffiti Ordinance, Ordinance 2020-06

15. New Business

- a. Inoperable Vehicle Ordinance, Ordinance 2020-08
- b. Antique Vehicle Decal Exemption, Ordinance 2020-09

16. Reminder of Future Council Meetings

- a. September 15, 2020, Council Work Session – 5:00 P.M. in the Town Council Chambers
- b. October 6, 2020, Council Meeting – 7:00 P.M. in the Town Council Chambers
- c. October 20, 2020, Council Meeting – 5:00 P.M. in the Town Council Chambers

Reasonable accommodation will be provided for persons with disabilities, if requested.

Resolution 2020-24

**A Resolution Honoring Michael D. McManus
Upon His Retirement from the Town of Pulaski, Virginia**

WHEREAS, the Town Council of the Town of Pulaski, Virginia desires to extend its recognition and appreciation to those employees retiring from the Town who have worked diligently to improve the daily life of the community and its citizens; and,

WHEREAS, Michael D. McManus began his tenure with the Town on June 24, 1991 as the Assistant Park Manager for Gatewood, becoming Park Manager July 1, 1993 and retiring from the Town on May 1, 2020 with a total of 29 years of service; and,

WHEREAS, in his years of service, which included many weekends, holidays and long hours on the job, Mr. McManus was always willing to assist citizens and fellow employees and go the “extra mile” if his help and skills were needed; and,

WHEREAS, no matter the task, whether it was towing stranded boaters back to shore; dealing with over enthusiastic celebrants in the campground, or making repairs and performing work under all sorts of conditions and at all hours, both supervisors and fellow employees knew whatever task Mr. McManus was assigned, it would be done correctly with great attention to detail, no matter how big or small the job was; and,

WHEREAS, in his dealing with the public and his fellow employees, Mr. McManus was greatly respected by those who met and worked with him for his easy going manner, quiet humor and his ability to meet and work with people from all walks of life who crossed his path as he went about his duties;

NOW, THEREFORE be it **RESOLVED** by the Town Council of the Town of Pulaski, Virginia sitting in regular session this 1st day of September 2020, that the Town Council does hereby extend to Michael D. McManus its warmest appreciation and gratitude for his 29 years of dedicated service to the Town of Pulaski, Virginia and its best wishes for an enjoyable, relaxing and fulfilling retirement.

This resolution is effective upon adoption and is hereby adopted this 1st day of September 2020 by the duly recorded vote of the Town Council of the Town of Pulaski, Virginia, as follows:

Lane R. Penn	_____	James A. Radcliffe	_____
Brooks R. Dawson	_____	Michael P. Reis	_____
Gregory C. East	_____	G. Tyler Clontz	_____

THE TOWN OF PULASKI, VIRGINIA

By: _____
W. Shannon Collins
Mayor

ATTEST:

David N. Quesenberry
Clerk of Council

Resolution 2020-25

A Resolution Honoring Olivia Hale for Her Actions in Assisting Residents in Escaping a House Fire

WHEREAS, the Town Council of the Town of Pulaski, Virginia wishes to recognize and commend citizens who of their own free will stepped forward to render aid and assistance in an emergency situation where the life and safety of others were imperiled; and,

WHEREAS, on the morning of July 5, 2020, Olivia Hale while driving to her parents residence, saw smoke coming from the vicinity of Pepper’s Ferry Road and investigated to find a house fire in progress at 918 Mashburn Avenue; and,

WHEREAS, observing that no one was around to render aid or assistance, Ms. Hale assisted the elderly residents in getting away from the fiery dwelling; and,

WHEREAS, given the distress of the elderly woman for the welfare of her two dogs, Ms. Hale moved the residents further to safety and successfully located the two pets who had fled the dwelling and placed them in the safety of her own vehicle; and,

WHEREAS, Ms. Hale then advised first responders upon their arrival that there were oxygen tanks in the residence then continued to care for the two elderly residents until their son arrived to care for the pets and the EMS undertook care of the residents;

NOW THEREFORE be it **RESOLVED** by the Town Council of the Town of Pulaski, Virginia sitting in regular session this 1st day of September 2020, that the Council does hereby commend and recognize Olivia Hale for her courage and compassion in assisting and caring for the residents of the burning home by getting them to safety and seeing to their welfare until the arrival of family and first responders.

This resolution is effective upon adoption and is hereby adopted this 1st day of September 2020 by the duly recorded vote of the Town Council of the Town of Pulaski, Virginia as follows:

Lane R. Penn	_____	James A. Radcliffe	_____
Brooks R. Dawson	_____	G. Tyler Clontz	_____
Gregory C. East	_____	Michael P. Reis	_____

THE TOWN OF PULASKI, VIRGINIA

By: _____
W. Shannon Collins
Mayor

ATTEST:

David N. Quesenberry
Clerk of Council

Resolution 2020-26

**A Resolution of Appreciation and Thanks to David L. Clark
For His Service as Councilman and Mayor to the Town of Pulaski**

WHEREAS, David L. Clark has faithfully and honorably served the citizens of the Town of Pulaski, Virginia as a member of the Town Council from June 1, 2006 to June 30, 2018 and as Mayor from July 1, 2018 to June 30, 2020 for a total of fourteen years of service; and,

WHEREAS, Mr. Clark, a lifelong resident of Pulaski, both as a Councilmember and as Mayor worked diligently to support and foster all efforts and initiatives to promote and enhance the growth and well-being of the Town of Pulaski and its citizens; and,

WHEREAS, in discussions concerning various issues affecting the Town, Mr. Clark was known for his practical down to earth approach in considering both the creation and implementation of policy focusing especially on its effect upon the citizens and the future well-being of the Town in seeking to improve the quality of life for each citizen and the Town as a whole; and,

WHEREAS, Mr. Clark did not limit his service to his Council duties but also participated in a number of initiatives and special groups such as the Calfee School steering committee and Pulaski on Main representing the Town in its efforts to move forward in enhancing and celebrating both the Town’s life and the heritage of its citizens; and,

WHEREAS, in his service to his hometown, first as a Councilman then as Mayor Mr. Clark continued a family tradition of service following in the footsteps of his father Mr. Gerald Clark, who served the Town as a longtime member of the Board of Zoning Appeals;

NOW, THEREFORE be it **RESOLVED** by the Town Council of the Town of Pulaski, Virginia sitting in regular session this 1st day of September 2020 that the Town Council hereby extends its appreciation and thanks to Mr. David L. Clark for his dedicated service as a member of the Town Council, as Mayor, and as a lifelong resident and citizen of the Town of Pulaski.

This resolution is effective upon adoption and is hereby adopted this 1st day of September 2020 by the duly recorded vote of the Town Council of the Town of Pulaski, Virginia as follows:

Lane R. Penn	- ___	Michael P. Reis	- ___
Brooks R. Dawson	- ___	G. Tyler Clontz	- ___
Gregory C. East	- ___	James A. Radcliffe	- ___

THE TOWN OF PULASKI, VIRGINIA

BY: _____
W. Shannon Collins
Mayor

ATTEST:

David N. Quesenberry
Clerk of Council

Resolution 2020-27

**A Resolution Honoring Joseph K. Goodman
for His Service as a Member of Town Council**

WHEREAS, Joseph K. Goodman has faithfully and honorably served the citizens of the Town of Pulaski as a member of the Town Council from July 1, 2016 to June 30, 2020; and;

WHEREAS, during his tenure on Council, Mr. Goodman consistently upheld the need for responsible and accountable fiscal management making sure that the public’s finances were being handled both responsibly and in accordance with accepted fiscal practices; and,

WHEREAS, concerning ongoing projects or initiatives, Mr. Goodman took interest in the progress of these special projects concerning himself with the progress, cost and alternatives that might prove more financially advantageous to the Town; and,

WHEREAS, Mr. Goodman also promoted cooperative efforts with other municipalities and espoused new more efficient approaches to conducting Town affairs to reduce the fiscal burden on the Town and its citizens; and,

WHEREAS, with respect to the Town’s employees, Mr. Goodman was willing to listen to and if necessary assist employees with their concerns and problems by working on their behalf to ensure they were treated in a fair and professional manner; and

NOW, THEREFORE be it **RESOLVED** by the Town Council of the Town of Pulaski, Virginia sitting in regular session this 1st day of September 2020, that the Town Council hereby extends its appreciation to Mr. Joseph K. Goodman for his dedicated service to the welfare of the citizens of the Town of Pulaski as a member of Town Council.

This resolution is effective upon adoption and is hereby adopted this 1st day of September 2020 by the duly recorded vote of the Town Council of the Town of Pulaski, Virginia as follows:

Lane R. Penn _____
Brooks R. Dawson _____
Gregory C. East _____

James A. Radcliffe _____
G. Tyler Clontz _____
Michael P. Reis _____

THE TOWN OF PULASKI, VIRGINIA

BY: _____
W. Shannon Collins
Mayor

ATTEST:

David N. Quesenberry
Clerk of Council

Minutes of the Pulaski Town Council Work Session held at 5:00 p.m. Tuesday, August 18, 2020 in the Council Chambers of the Municipal Building at 42 First Street, N.W. The Town also provided a live-cast of the proceedings on the Town’s Facebook page.

In attendance were:

- Mayor: Shannon Collins, presiding
- Councilmen Present: G. Tyler Clontz; Brooks R. Dawson; Gregory C. East; Lane R. Penn; James A. Radcliffe; Michael P. Reis
- Administration: Darlene L. Burcham, Town Manager
- Legal Counsel: Spencer A. Rygas, Town Attorney
- Staff: David Quesenberry, Clerk of Council
Jordan Whitt, Social Media Director
- Others Present: Luke Allison Dylan Armes Barbara Davidson
Danelle Granger Jordan Persson Austin Stromme

1. Call to Order.

The meeting was called to order at 5:00 p.m. by Mayor Collins.

2. Roll Call.

Following the call to order, the roll was taken. Present were: Mayor Collins, Mr. Clontz, Mr. Dawson, Mr. East, Mr. Penn, Mr. Radcliffe and Mr. Reis. With all members of Council in attendance, a quorum was present for the conduct of business.

3. Closed Session

Due to the change in agenda order with respect to the Closed Session, Mayor Collins asked for a motion to modify the Closed Session agenda to add one additional closed session under Va. Code 2.2-3711 (a) 8, consultation with legal counsel concerning a zoning violation.

The Mayor’s request was so moved by Mr. Penn, seconded by Mr. Dawson and approved on the following roll call vote:

Lane R. Penn	-Aye	James A. Radcliffe	-Aye
Brooks R. Dawson	-Aye	G. Tyler Clontz	-Aye
Gregory C. East	-Aye	Michael P. Reis	-Aye

Mayor Collins then requested a motion to go into Closed Session for the following matters: two items under Va. Code 2.2-3711 (A) 1, consideration of personnel matters involving performance of the interim Town Manager and appointments to boards and commissions; one item under Va. Code 2.2-3711 (A) 3 discussion of the acquisition of real property for a public purpose or disposition of real property; and, two items under Va. Code 2.2.-3711 (A) 8, consultation with legal counsel regarding a boundary adjustment and a zoning violation.

Mr. Reis moved to enter the Closed Session. The motion was seconded by Mr. Penn and approved on the following roll call vote:

Lane R. Penn	-Aye	James A. Radcliffe	-Aye
Brooks R. Dawson	-Aye	G. Tyler Clontz	-Aye
Gregory C. East	-Aye	Michael P. Reis	-Aye

Council entered Closed Session at 5:04 p.m. and returned from Closed Session at 6:38 p.m.

4. Certification of Closed Session

On Council’s return from Closed Session, Mayor Collins asked for a certification motion that Council discussed only those items for which it went into Closed Session: two items under Va. Code 2.2-3711 (A) 1, consideration of personnel matters involving performance of the interim Town Manager and appointments to boards and commissions; one item under Va. Code 2.2-3711 (A) 3 discussion of the acquisition of real property for a public purpose or disposition of real property; and, two items under Va. Code 2.2.-3711 (A) 8, consultation with legal counsel regarding a boundary adjustment and a zoning violation.

Mr. East moved to certify the Closed Session. The motion was seconded by Mr. Dawson and approved on the following roll call vote:

Lane R. Penn	-Aye	James A. Radcliffe	-Aye
Brooks R. Dawson	-Aye	G. Tyler Clontz	-Aye
Gregory C. East	-Aye	Michael P. Reis	-Aye

5. Modifications to the Agenda

There were no further modifications to the agenda.

6. Welcome to Guests and Visitors

Mayor Collins welcomed those in attendance to the meeting.

7. Consent Agenda

- a. *Consideration of July 21, 2020, Council Work Session Minutes*
- b. *Consideration of August 4, 2020, Council Meeting Minutes*

Mayor Collins asked for a motion regarding consideration of the July 21, 2020 Council work session meeting minutes and the August 4, 2020 Council meeting minutes.

Mrs. Burcham informed Council that in the previous discussion in the minutes, she noted a correction to her remarks that compensatory time was not accrued per pay period but in the week it was earned.

Mr. Reis moved to approve the minutes of July 21, 2020 and August 4, 2020. The motion was seconded by Mr. Clontz and approved by unanimous voice vote.

Lane R. Penn	-Aye	James A. Radcliffe	-Aye
Brooks R. Dawson	-Aye	G. Tyler Clontz	-Aye
Gregory C. East	-Aye	Michael P. Reis	-Aye

Council next considered the Budget Amendment for FY 2020-2021.

8. Public Hearings

- a. *Budget Amendment for FY 2020-2021*

Mrs. Burcham reported that the budget had been adjusted with respect to both expenditures and revenues as discussed in the previous meeting.

There being no additional comment, Mayor Collins called the public hearing to order at 7:43 p.m. With no comments received, Mayor Collins closed the public hearing at 7:43 p.m.

Mr. Dawson moved to approve Resolution 2020-23 amending the General Fund Budget for the Town of Pulaski, Virginia for the fiscal year beginning July 1, 2020 and ending June 30, 2021. The motion was seconded by Mr. Penn and approved on the following roll call vote:

Lane R. Penn	-Aye	James A. Radcliffe	-Aye
Brooks R. Dawson	-Aye	G. Tyler Clontz	-Aye
Gregory C. East	-Aye	Michael P. Reis	-Aye

After discussion concluded, Council heard a presentation on a feasibility study for 37 West Main Street.

9. Presentations

a. Feasibility Study for 37 West Main Street

Luke Allison and Austin Stromme presented the results of a feasibility study for 37 West Main Street conducted by Aggregate Capital, L.L.C.

Mr. Allison explained that Aggregate Capital communicated, consulted and coordinated with a variety of developers, investors, municipalities and other entities to ensure that historic restoration projects in small communities were successful. The entity also specialized in capital stacking utilizing historic tax credit transactions and grants through Va. Housing, DHCD and opportunity funds to raise funds for historical projects in rural America beginning here in Downtown Pulaski.

The Current Historic Revitalization Plan consisted of three phases. Phase I was completed and featured three commercial spaces and four apartments. Phase II was the current project which was the subject of the presentation and was intended to keep the overall project momentum going. The goal was to have an entrepreneurial marketplace, business incubator and eight apartments. Phase III was the vision for Downtown Pulaski to cross the revitalization threshold to prepare the Town for other potential developers and businesses.

Mr. Allison reported that from Phase I all of the apartments were rented and two of the three commercial spaces were also rented. The project had also been nominated for the 2020 Advisory Council on Historic Preservation and the U.S. Department of Housing and Urban Development's Award for Historic Preservation. It would also be presented as a case study by Virginia Housing at the Governor's Housing Conference this November.

Regarding Phase II, 37 West Main Street was more than 13,000 sq. ft. in area and would be historically renovated given its perfect location for housing and business. Frazier and Associates had completed the floor plans, cost estimation and site analysis for the project.

Mr. Allison then reviewed the chosen floor plans for the second floor apartments. There would be seven premier apartments where the floor on the backside of the creek would have an outdoor patio and roof top garden. There would also be another roof top garden serving as a communal area for all the apartments.

The downstairs layout was based on recommendations that would best fit this space. The area was divided into four functional areas. The front area would be the future location of Pulaski on Main and the location for tourist information about the Town. There would also be an eatery and a coffee shop in the front offering quick and inexpensive food for people on the go in addition to an entrepreneurial market for businesses. This Downtown destination would be similar to the Agora Market in Downtown Harrisonburg. It was a portable vendor space that was sectioned off allowing businesses to have a permanent storefront that otherwise could not afford the traditional commercial spaces. Marketing services would be included in the rent to help these businesses improve their internet presence and increase their e-commerce income through selling on-line.

The rear of the space would be an office and business incubator to create affordable office space for those needing office space who could not afford a traditional office. The space was seen to create affordable office space for entrepreneurs that encouraged networking with an open floor plan. This would lend itself to various arrangements of partitions and furniture for different kinds of business needs or events.

The final portion of the downstairs would consist of an apartment. At the observance of the completion of Phase I, there were some elderly present that wanted to downsize their space, yet still live in Downtown Pulaski but without steps. The proposed downstairs apartment would have an entrance on the back side of the building on the creek side.

Cost estimates for the proposed project included \$1.7 million in construction costs; approximately \$40,000 for roof replacement; with a total project cost of \$2,295,792. Funding for the project would be drawn from a variety of sources including: historical tax credits; Virginia Housing; DHCD; and the Enterprise Zone. Two additional sources of funding were not used in the last phase. One was an Opportunity Fund which had been established in Downtown Pulaski offering tax incentives for investing in these areas.

The other source was a Founder's Round. Structures in Phase I initially appraised at \$35,000 each, were now appraised at over a million dollars in value. The Founder's Round would create an opportunity for Pulaski's residents to invest and be founding owners in a project in their own town. A time would be set aside to show the community what was proposed to give them the opportunity to invest in their own community.

Regarding project timing, it was estimated the project would take about three years given the time for the Founder's Investments (6 months); architect & contractor proposals and planning (12 months) and actual construction (21 months).

With respect to Phase III, experts had been consulted in Richmond and Roanoke who notified the group that in order to attract outside investors in Downtown Pulaski a revitalization threshold would have to be crossed. Proposals for Phase III would be presented to Council at a later date. The full feasibility study would be made available if requested. Council was then asked if they had any questions.

Mr. Radcliffe commended the two for their presentation. He asked if they had considered parking in the Downtown and how it would be handled as things continued on. Mr. Allison said there had been several discussions on the redesigning of the parking Downtown and yes there was a problem. He pointed out that a sixteen unit mailbox had been placed at the corner of N. Jefferson and West Main. The plan was to incentivize tenants by noting that it was not that bad

of a walk to park there and check your mail on the way. The parking spaces would be paid for with the units having designated parking spots.

Mr. Radcliffe asked if there was not already an agreement for parking spaces at that location. Mr. Allison said they were already paying for about 20 spaces. The spaces had not yet been marked out, but payment had been made for those spaces.

Mr. East said that the Phase I looked amazing. He then asked what the Phase III revitalization threshold entailed. Mr. Allison said that state officials stated that in order to get investors to Main Street, a milestone had to be crossed to get others into the Downtown, but not “see” a dilapidated building due to other buildings ready for occupancy and increased foot traffic. They were told the Phase II project didn’t get there yet and that there would have to be more.

They told Council that they had been approached by various persons who wanted to locate Downtown but did not want to do building renovation. What Mr. Allison wanted to do was to rehabilitate the spaces and allow these potential business owners to come into the Downtown. Another goal was to help developers coming to the community take one of these buildings, historically renovate it and do it correctly so people would want to come in and live there.

Mr. Dawson asked if they felt there was an issue of lighting. They replied that there was but thought it would be advantageous to put cameras on the building. Conversations had also been held with the Fire Marshal and Police Chief on lights for the parking area and the group offered to allow cameras to be mounted on their buildings. There was a lighting issues but he felt it could be solved.

Mr. East told Mrs. Burcham that there had been discussions before regarding cameras on the Main Street area. He remembered that the consensus at the time was due to the new technology it would be a relatively inexpensive thing to do and asked if that could be followed up. Mrs. Burcham asked if was for cameras, lighting or both. The consensus was both.

Mr. Dawson said when he attended events in the Town, most of the parking areas were not well lit. Mr. Allison said that they would gladly provide the power from 94 West Main for cameras. Mrs. Burcham said she would go back and review what had happened. She said the key to a lot of this was traffic, the more traffic the less the issues. However given the situation in today’s world additional lighting and security would be looked at.

Mr. East said he had noticed an increase in foot traffic in the evening so he recommended more lighting and cameras.

Mr. Radcliffe mentioned that there had been talk about having more community policing as things grew.

Mr. Reis asked about funding and whether or not the group had investigated the Virginia Real Estate Investment Trust’s tax exempt status. He suggested it might be something to consider for the Founder’s Round and a way to enhance their return on investment. In addition, Mr. Reis mentioned there were some surprises on a previous project and had those issues been captured in the cost estimates. Mr. Allison replied yes and that issues did arise with historic renovation. That resulted in a percentage of change that could be added or deducted from the project cost.

After the end of the presentation, Mr. Dawson recalled that the Downtown project had a lighting aspect on the creek wall and one of the alleyways that might have been against one of their buildings. Mrs. Burcham responded that there was lighting to the rear along the creek where the plantings were done. Mr. Dawson said that Council was told there was some updated lighting for the alleyway, but he didn't know how extensive. Mrs. Burcham said the Downtown grant had not been able to do a lot of things that were originally part of the design. That did not mean that the Town might not go back and do some things later, but the current grant could not do it. Presently efforts were concentrated on the 15 façades that were a requirement of the grant. Renovation uncovered things that were not expected so the facades were more expensive than anticipated. The pocket park would be completed (furniture on order) in the next week or two. Poles and light fixtures were also to be installed. Mr. East suggested that cameras could be used in the pocket park.

Following the discussion, Council next considered write-offs of water bills for closed businesses.

10. Public Operations

There were no issues listed for discussion on the agenda.

11. Finance

a. Resolution 2020-23, Amending the FY 2020-2021 Budget

The resolution had been approved earlier in the agenda.

b. Write-off of Water Bills for Closed Businesses

Mrs. Burcham noted that just before the meeting started, she was notified that the owner of 825 East Main had contacted the Town and would make payment. She asked that Council approve the list of write off accounts minus the one account for which payment had been promised in the next week or so.

Mr. Dawson asked Mrs. Burcham if she thought there was any opportunity with the other accounts not being pursued one hundred percent or were they pursued to the extent they needed to be. Mrs. Burcham responded that establishing contact had been the real problem with the list. Regarding the one account, a way was found to establish contact with the person who agreed to payment once Council review was mentioned. Mrs. Burcham added that although there was not a lot of money involved, the issue was getting people to meet their financial obligations.

Mrs. Burcham also informed Council that she and the Finance Director had met with the County Treasurer concerning a potential tax sale in the future. While the Town had held one sale, it really needed to have them on a regular basis to make some delinquent properties available to someone who could take them on. There would be more discussions about this in the future as well as another way to collect. Usually with a tax sale, when names were published for a property up for sale people got interested in buying it or the owner came in and made arrangements for payment.

Mr. East mentioned that the Town had in the past a relationship with Sands Anderson. Mrs. Burcham responded that would be the firm the Town would be working with. Mr. East asked if the Town was doing that now. Mrs. Burcham replied no, but that the Town would be initiating the process, which was why she went to see the Treasurer to see if the Town could "piggyback" on their tax sale. The County had identified some properties and the Town would be able to add other properties to that list based upon the Town's review vs. the Treasurer's review of which properties she might wish to pursue.

Mr. Reis moved that the Town write off the outstanding utility bills as described on item 11b, with the exception of account number 327-1-0 825 East Main Street, in that they are unlikely to be collected and should be written off. The motion was seconded by Mr. East and approved on the following roll call vote:

Lane R. Penn	-Aye	James A. Radcliffe	-Aye
Brooks R. Dawson	-Aye	G. Tyler Clontz	-Aye
Gregory C. East	-Aye	Michael P. Reis	-Aye

After considering the resolution, Council reviewed several proposed ordinances.

12. Legislative

a. Ordinance 2020-06, Ordinance Amending the Town Code to Prohibit Graffiti

Mrs. Burcham informed Council, that Councilman Reis provided comments on enhancements to the ordinance. She proposed the ordinance could be carried over to the September 1st meeting to allow the Town Attorney to review those comments and see if they could be incorporated.

Mr. Reis apologized and said he felt the changes would make the ordinance clearer and more enforceable and avoid issues that might give a judge pause. He felt that with a little bit of language, the ordinance could be cleaned up and made more enforceable. He apologized again for not getting his comments in sooner.

Mr. East asked if this could be applied to signage, vacancy and other issues with storefronts. Mrs. Burcham ventured those would not be addressed through a graffiti ordinance but through architectural review guidelines, which were being updated through a grant from the Commission on Local Government. She said that many architectural guidelines included provisions for the percentage of a window that could be covered with signage or posters, etc. There were also provisions that any "official signage" (store name) would have to be approved as to style, size, placement, etc. The graffiti ordinance she continued, was designed to deal with defacement of a structure through etching or coloring.

Mr. East asked if posters in the windows of vacant structures would be covered by a graffiti ordinance, since the ordinance mentioned affixing, posting, gluing etc. Mr. Reis ventured that it would depend if it was on the outside or inside of the building. He said a concert poster affixed outside could be addressed after a period of time elapsed, but if it was inside the Town could get into some nuances. Mrs. Burcham mentioned that some historic districts restricted how close items could be to the window of the display area. The issue depended on how significant the guidelines were. If there were issues with that, now would be a good time to review it since the Architecture Review Board guideline review was starting this Thursday via a Zoom meeting.

Mr. East said he did not want to be oppressive with the Historic District, but that his concern was vacant buildings and eyesores from the street from the large display windows.

Mr. Dawson mentioned concerning a small businesses if graffiti was placed on their building, that the Town had some funding available (e.g. Beautification, nuisance abatement). Mrs. Burcham responded there was nuisance abatement funding which was used to mow vacant lots. Mr. Dawson asked if that funding was available to someone who had graffiti on their property, not of their own doing. Mrs. Burcham replied since there had never been a graffiti ordinance it was hard to identify the intent of the fund when it was put in place. Generally it was the responsibility of the property owner to maintain their property. If graffiti was on their property

it was their responsibility. If they did not do anything within a set period of time, the ordinance gave the Town the authority to remove it.

Mr. Dawson then asked about when an owner painted their property in a manner they liked, but was considered displeasing by others. Where he asked, was the line and where was it defined, with someone having done something to their building, but with the Council considering it graffiti.

Mr. Reis responded that the language he put in the ordinance was “unauthorized”. If someone wanted to decorate their building and you were not talking about an historic district, then you were running into free speech. By putting in language using the term “unauthorized”, Mr. Reis felt that would enable the Town to get around any constitutional questions. There was also language added to allow the Town Manager or their designee to designate public nuisances.

Mr. Dawson said he thought the whole idea of the ordinance was to resolve issues that people did not like. If a person painted their building many colors in many directions that was intentional and would not be graffiti; was that the process for unapproved art. Mr. Reis responded that was a problem you could run into. If they wanted to fight it in court, they would probably win. If there was no violation of a code ordinance, even though a violation might be approached, the issue would become who would we want to choose what did or did not look good.

Mr. Dawson then asked if the Architecture Review Board Rules defined the colors walls must be painted. Mrs. Burcham responded that they did say what colors had to be used because it said “period colors” that had to be appropriate to the age of the building.

Mr. East mentioned the use of the term “unauthorized”, which he concluded somewhere there had to be a definition of what was “unauthorized”. Mr. Reis responded that the dictionary definition could be used. Mr. East ventured if there was no definition for “unauthorized”, then how would anybody know what was unauthorized. Mr. Reis responded that somewhere there was a definition without necessarily defining it. It was his opinion that the Town would run into a problem that some persons would object to removing the graffiti. In such a situation you wanted to be sure that the ordinance covered as much as possible, leaving some discretion without being vague and unconstitutional because you would be running into the art/self expression piece.

Mrs. Burcham observed that you did what you thought was right knowing that you would be challenged. However the community could understand that an effort was made, which she thought was just as important.

Mr. Rygas said there was an issue with a proposal to address it and that the discussion had proceeded to a fine point. Mr. East felt that the Council should “zoom out” and look at this. Mr. Rygas agreed that some enhancements could be made but it would not be a “silver bullet”. He would consider the suggestions made and review the ordinance which was from another locality and focus in on what was preferred.

Discussion having concluded, Council next considered Ordinance 2020-07.

b. Ordinance 2020-07, Ordinance Amending the Town Code Regarding Uncontested Parking Citations

Mrs. Burcham said the effort here was to ensure that the language in the Town Code required people to pay their personal property taxes before they were issued a decal, since the decal

was the enforcement provision. The way the Code was being read, it appeared that the Town could still issue a decal which would void the ticket, but would not get the personal property tax paid.

Mr. Rygas said the problem was procedural. Parking tickets could be issued for many reasons, one being lack of a decal. Through appropriate evidence and observation it was determined that a vehicle was housed in the Town of Pulaski and therefore should have personal property tax paid in Pulaski.

When the person came in to pay the ticket, the Finance Department would notify them that they had not paid their personal property tax. After 72 hours a summons would be issued which was mailed certified by the terms of the Town ordinances. If the parking ticket was not paid at that point, a summons for a Class III misdemeanor would be issued for failure to pay.

The ordinance said once that the summons was issued, the matter had to be resolved through the courts. The problem was the matter would go into the court before the judge who usually wanted to give the person a chance to remediate the problem. Our ordinance said at that point the payment had to be made through the court, not through the Town office. The courts could compel payment if there was a conviction, but they did not have the balance they preferred.

Mr. Rygas said the opportunity here was the elimination of the language that forced persons to pay through the courts. This opened up the possibility that if a summons was active a person could pay the ticket here and take the receipt to the court, which upon review, could dismiss the matter as complied with. The language change kept the matter from being an "all or nothing" situation through the court, while still being able to issue the summons. People had been coming to pay their tickets without paying their personal property taxes.

Mrs. Burcham added that when the Town would not allow them to pay for the ticket, they would go to the court and say that they tried to pay but couldn't. This did not allow the judge to rule in another way. This way the Town has the opportunity to collect the personal property tax before the person gets the decal.

Mr. Dawson ventured that now if a person approached the court and said they tried to pay but they wouldn't accept their payment because of personal property taxes that would allow the judge ; to which Mr. Rygas interjected that would be up to the judge's decision.

Mr. East then moved to adopt Ordinance 2020-07 as written. The motion was seconded by Mr. Clontz and approved on the following roll call vote:

Lane R. Penn	-Aye	James A. Radcliffe	-Aye
Brooks R. Dawson	-Aye	G. Tyler Clontz	-Aye
Gregory C. East	-Aye	Michael P. Reis	-Aye

After the vote, Mrs. Burcham notified Council that the Town would be replacing the parking signs and their locations in the Downtown. The signs, when installed, would indicate both the length of time someone could park and the hours and days of the week that were enforced. Having spoken with the Police Chief, Mrs. Burcham said that when the signs were ordered and properly placed, there would be a two week period where courtesy notifications would be placed on windshields telling drivers that they had exceeded the allotted time. This would allow drivers the opportunity to know in advance of the new enforcement. She noted that complaints had been received from individuals who could not find a place to park Downtown on the street.

Some of that had to do with the fact that some of the employees and owners were parking on the street using the spaces that should be for customers.

Mrs. Burcham said work would continue on that issue as the Town sought to bring more people into the Downtown. She added that part of the CARES money the Town had been allocated, would, with the County's assent, be used to install a WiFi system in the Downtown as a way to market and draw people into the Downtown. This would anticipate more of a need for the parking spaces to turn over.

Mr. East remarked there were more tenants on Main Street and that another building across from the Fine Arts Center also had tenants in it. Mrs. Burcham ventured that at some point with the Downtown living, it may be necessary to issue a decal to residents of Downtown so they could park longer in spaces, particularly during evening hours on the street.

Council next moved on to the Roundtable Discussion.

13. Public Utilities

There were no matters scheduled for discussion.

14. Safety

There were no topics scheduled for discussion.

15. Human Resources

No issues were scheduled for consideration.

16. Round Table Discussion

Mayor Collins then opened the Roundtable Discussion for comments from Council.

Mr. Penn said there was a burned house on Second Street S.E. that was now owned by the Housing Authority. He asked if it could be arranged to have it removed. Mrs. Burcham thought that was one that Code Enforcement was involved with, but she would double check the address. She also mentioned that there was a house totally destroyed in an early morning fire that damaged an adjacent residence. Mrs. Burcham said again that she would double-check the address and let him know what was going on with the structure.

Mr. Rygas said the structure was turned over to the Housing Authority earlier in the year. He thought that Mr. Penn was referring to the next step, which would be finalizing the removal of the burned structure and then having the Authority to find a buyer for the lot. Mrs. Burcham said she would look into the matter further.

Mr. Dawson said he had a conversation with Peggy White, Executive Director of the Chamber of Commerce where he learned of upcoming projects by the Chamber. Ms. White indicated an interest in engaging the Town with some small business programs going into the fall, possibly as a Town activity. There was also mentioned a display featuring stained glass work by local artists that might be featured in Main Street windows. From the conversation, Mr. Dawson gathered that the Town could benefit by teaming with the Chamber in such a manner as not being a full burden on the Town to make some things happen.

Mrs. Burcham responded that she had sent the latest Chamber newsletter to Mr. Whitt to place some of those items on the Town's Facebook page so they could be advertised to the

community. She offered to talk with Ms. White about some of these upcoming events and to see how the Town could promote or co-promote some things.

Mr. Dawson mentioned that the Chamber had been involved with the Town in ventures like the Marketplace and Pulaski on Main. While not meaning this in a negative way, the Chamber had pulled back because they did not get the impression that there was a real teamwork environment going on. Mr. Dawson said with the resurgent energy building a strong bridge (with the Chamber) was a good thing. He also mentioned that the Chamber would like to do a tourism presentation to Council, which he thought would be a good thing to hear.

Mr. East had no comment.

Mr. Radcliffe thanked Mrs. Burcham for her efforts as manager. He mentioned that the flower beds looked awful but that some work had been done around the Jackson Park fountain. While he did not know what had happened to the flower beds this summer, some of the boxwoods had been "let go".

The other issue Mr. Radcliffe brought up was mowing and not weed eating. He stressed that weed eating was needed along the roads and the middle of the sidewalks and urged that something be done. Mr. Radcliffe also mentioned an inoperable vehicle sitting on N. Jefferson propped up by a brick and a jack. He felt the vehicle should have been tagged and moved out. While trying to tell the citizens what to do, he felt that the Town was lax in what it did. Mrs. Burcham said that the Town could not ask of others if it did not do it itself. She added she felt very strongly about that.

Mrs. Burcham mentioned that the bridges had been pressure washed. She said that Council was not aware of how few employees the Town had in some areas and thanked Council for pointing things out. Mr. Radcliffe declared that the Public Works employees did a good job. The only other issue he had was that there was a great need for a brush chipper. There was also a problem with trees growing over the road which he felt needed to be cut back to the Town's property when the Town got back to a regular cutting schedule.

Mentioning the flooding the previous weekend, Mr. Radcliffe said that his inmate crews kept the creek beside the museum cut back very well. The creeks he felt needed to be cut back and the Town needed to go back to doing that. He expressed concern (that because of the flooding) the Town could lose some critical businesses.

Mrs. Burcham said the water did not get into the museum or the train station, but there was water in the parking lot. Anytime a rain was anticipated, and the possibility of a flash flood was known, all inlets were checked to see they were clear to take as much water as possible. Some of these rains she added were "unreal" as compared to what the expectations were. A long term solution involved the creek itself, but as was shown in the presentations some weeks back, it would be a long range and expensive venture. As soon as the Army Corps report was received, the Town would be in a better position to start.

Mr. Radcliffe ventured that the bridge next to the museum was nearly stopped up anyway. He was convinced that the undergrowth slowed the water down. He concluded his remarks by extending his compliments to the staff for their hard work.

Mayor Collins asked if the drains were checked before the recent rains. Mr. Reis felt the channel could hold only so much water and that it wouldn't matter how much the brush was cut back.

There was only so much that water it could hold and it had to go somewhere. Mr. Dawson said that the Town Engineer said that the culvert beneath the road, which took a couple of angled turns was clogged up. It made sense to him, since the water drained down rather fast. However it could not get under the road fast enough to go on down the creek. Mr. Reis felt it was a matter of where it rained and how much.

Regarding the flower beds, Mr. Dawson said that Council had come to an agreement that a more "hardscaped" plan to prevent repetitive maintenance to the beds and the need to plant flowers, etc. The Council hired a firm to plant the "hardscaped" beds, but Mr. Dawson felt the beds did not look hardscaped. The conversation he recalled was to reduce the labor of those areas and get something that looked more professional long term.

Mrs. Burcham noted that the plantings required a lot of care. Mr. Dawson responded that the firm performed what was shown, but that none of the beds looked "hardscaped". Mayor Collins noted that even with perennials, they had to be taken up every few years and separated. Mr. Dawson said that some businesses had plantings that required maintenance once or twice a year as compared to something that grew at a faster rate.

Mr. Clontz had no comment.

Mr. Reis had no comment.

17. Reminder of Future Council Meetings and Adjournment

Mayor Collins said that Council's next meeting would be September 1, 2020 at 7:00 p.m. starting with the Closed Session. After that, the next scheduled meeting would be September 15, 2020 beginning with the Closed Session at 5:00 p.m.

Mrs. Burcham mentioned that there had been a discussion on starting the Closed Session for the 7:00 meeting at 5:30 p.m. Following a brief discussion, Council agreed to begin the Closed Session at 5:30 p.m. for the Council meeting of September 1st.

Mrs. Burcham reported that the Town had received nine applications for the Small Business grants and encouraged Council to remind small businesses they came in contact with that the grant program was available in the County and the Town. Businesses in the Town could apply to both the Town and County for the grants. If sufficient need existed, businesses could qualify for up to \$10,000 between what the Town and County had to offer. She felt this was a real opportunity to use federal money to help our local businesses in their recovery during the pandemic and urged Council to put out the word because of its importance to Town businesses.

There being no further business, Mayor Collins called for a motion to adjourn. The motion was made by Mr. East seconded by Mr. Penn and approved by the unanimous voice vote of Council at 7:57 p.m.

Approved: _____
W. Shannon Collins
Mayor

ATTEST:

David N. Quesenberry
Clerk of Council

Ordinance 2020-06

**Ordinance Amending Chapter 18 of the Code of Ordinances
to Add Provisions Prohibiting Graffiti in the Town of Pulaski**

WHEREAS, the Town Council has determined that graffiti constitutes a nuisance and detracts from the appearance of the Town, as well as damaging both public and private property; and,

WHEREAS, the Town Council, acting upon the advice and counsel of the Administration has determined that the Town Code should be amended to prohibit and impose penalties for the application of graffiti to structures within the corporate limits of the Town of Pulaski;

NOW, THEREFORE be it **ORDAINED** by the Town Council of the Town of Pulaski, Virginia sitting in regular session this 1st day of September 2020, that Chapter 18 “Buildings and Building Regulations” of the Code of Ordinances, Town of Pulaski, Virginia shall be amended to include “Article V—Graffiti” as shown in Attachment A-Ordinance 2020-06 affixed here to and expressly made part of this ordinance as if set forth herein.

This ordinance is effective upon adoption and is hereby adopted this 1st day of September 2020 by the duly recorded vote of the Town Council of the Town of Pulaski, Virginia as follows:

Lane R. Penn _____
Brooks R. Dawson _____
Gregory C. East _____

James A. Radcliffe _____
G. Tyler Clontz _____
Michael P. Reis _____

THE TOWN OF PULASKI, VIRGINIA

BY: _____
W. Shannon Collins
Mayor

ATTEST:

David N. Quesenberry
Clerk of Council

Chapter 18- BUILDINGS AND BUILDING REGULATIONS

ARTICLE V. - GRAFFITI

Sec. 18-130. - Purpose and intent.

It is the purpose and intent of this chapter to provide a procedure for removal of graffiti from walls and structures on both public and privately owned property in order to reduce blight and deterioration within the Town, to protect public safety, and to provide for the recovery of costs of such removal.

Sec. 18-131. - Definitions.

The following terms, as used in this chapter, shall have the meanings set forth below:

- (a) *Town manager* shall mean the Town of Pulaski Manager, or designee.
- (b) *Graffiti* shall mean writings, drawings, inscriptions, figures or marks of paint, ink, chisel, chalk, dye and other similar substance, or flyers, bills and similar materials, which have been placed on public or private property.
- (c) *Defacement* means the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, mark, figure or design of any type.
- (d) *Placement of graffiti* shall include any form or act of drawing, painting, scrawling, writing, marking, inscribing, scratching, gluing, posting or otherwise affixing graffiti to public or private property.
- (e) *Public or private property* shall mean the exterior surface of any building, or any street, alley, sidewalk, or other vehicular or pedestrian right-of-way, or any article of street furniture, utility or public service equipment, or other personal property located outdoors, whether owned by a public entity or by a private person or entity, and visible from any public right-of-way.

Sec. 18-132. - Graffiti nuisance prohibited.

- (a) Defacement, or the placement of graffiti on any public or private property is declared to be a public nuisance and is prohibited.
- (b) The failure of any property owner, manager or occupant of public or private property to remove or effectively obscure graffiti which has been placed upon property under such person's ownership or control, within 15 days after the service of notice as provided in this chapter, is declared to be a public nuisance and is prohibited.

Sec. 18-133. - Abatement of graffiti nuisance.

- (a) *Notice and opportunity to abate.* Whenever the town manager becomes aware of the existence of graffiti on any public or private property, the town manager shall give, or cause to be given, written notice to remove or effectively obscure such graffiti to the owner, manager, lessee, or occupant of the property. Such notice may be served by personal service or certified mail, and shall be complete upon delivery or mailing. Such notice shall direct the recipient to remove or effectively obscure such graffiti within 15 days of the date of the notice, or to grant the town written permission to enter upon the property and remove or effectively obscure such graffiti, and shall inform the recipient that, in the event of failure to comply, the town may enter upon the property and remove or effectively obscure such graffiti, in the manner provided in this chapter. Prior to the issuance of a notice under this section, the town manager shall contact the owner, manager, lessee, or occupant of the affected property and attempt to obtain the commitment of such person to remove the graffiti within a reasonable period of time.

- (b) *Abatement by the town.* If the owner, manager, lessee, or occupant of the property upon which graffiti has been placed fails to remove or effectively obscure the graffiti, or to grant the town written permission to enter upon the property and remove or effectively obscure such graffiti, within 15 days from service of the notice described in subsection (a), the town manager, or his or her designee, may enter upon the property and remove or effectively obscure the graffiti.

- (c) *Waiver of liability.* The failure of the recipient of a notice given pursuant to subsection (a) to comply with the notice by removing or effectively obscuring such graffiti within 15 days shall be deemed a waiver of any claim by or on behalf of the notice recipient or, if different, the owner of the property, against the Town of Pulaski for damage to the property arising out of the work of removing or obscuring the graffiti.

Sec. 18-134. - Unpaid charges.

Every charge authorized by this article with which the owner of any such property shall have been assessed and that remains unpaid shall constitute a lien against such property, ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Code of Virginia, §§ 58.1-3940 et seq. and 58.1-3965 et seq.

Sec. 18-135. - Order of restitution.

An order of restitution pursuant to this article shall be docketed as provided in Code of Virginia, § 8.01-446 when so ordered by the court or upon written request of the town and may be enforced in the same manner as a judgment in a civil action.