

DAMASCUS TOWN COUNCIL
Minutes for October 3, 2016 7:00pm
Regular Council Meeting

Council Members Present: Susan Seymore, Melissa Barrett, Tom Hayes, Tim Williams, Vicky Van de Vuurst, and Mitchel Greer

Absent: None

Also Present: Jack McCrady, Mayor
Gavin Blevins, Town Manager
Thomas Dene, Legal Counsel
Tuesday Pope, Town Clerk
Mike Hounshell, Police Chief

7:00pm: Mayor McCrady called the meeting to order, led the Pledge of Allegiance and gave the invocation.

Mayor McCrady asked for approval of the September Minutes:

- Mr. Williams made a motion to approve the September 6, 2016 Regular Called Council Meeting Minutes as presented, 2nd by Ms. Seymore.
The motion passed (5-0-1, with Mr. Greer abstaining).

Mayor McCrady asked for approval of the agenda.

- Mr. Hayes made a motion to approve the agenda as presented, 2nd by Ms. Seymore.
The motion passed (6-0).

7:05pm – Public Hearing to entertain public comment regarding a proposed ordinance to prohibit any person from burning any trash, refuse, debris, leaves or brush within the corporate limits of the Town of Damascus. The proposed ordinance provides that any person violating it shall be guilty of a Class 3 misdemeanor, which is punishable by a fine of not more than \$500.

Mayor McCrady opened the floor for Citizens to comment.

Ann Marie Mack-Schmidt, 605 Appalachian Trail Dr., asked if the prohibition also applies to an open fire, chimeneas, or other recreational type fire pits.

Mayor McCrady explained that it does not apply to those situations, but specifically applies to the burning of trash, brush, leaves, and such.

Ms. Seymore questioned if the ordinance should specifically exclude fire pits.

Mr. Dene responded that the ordinance specifies what situations it does pertain to, so it won't be necessary to also include specific circumstances that it will not apply to.

There were no other comments to be heard.

Mayor McCrady closed the Public Hearing and asked for any Council Members comments.

Mr. Williams stated that he thinks the ordinance should be very clear so everyone will know what is (and is not) permitted, and if not clarified could lead to problems.

Mayor McCrady responded that all possible questions cannot be addressed in an ordinance so must be written as specific enough, and if anyone has questions they can contact the Town Hall, Police Department, or Fire Department.

Mayor McCrady asked for the will of the Council.

- Ms. Seymore made a motion to adopt the proposed burning Ordinance, as presented, 2nd by Ms. Barrett. The motion passed (6-0).

The Town of Damascus

OFFICE OF MAYOR

Damascus, Virginia

-- Town of Damascus, Virginia--

An Ordinance to Prohibit the Burning of Certain Materials
Within the Corporate Limits of the Town of Damascus, Virginia

WHEREAS, the Mayor and Town Council conducted a public hearing regarding the proposed adoption of this ordinance at 7:05 PM on October 3, 2016; and

WHEREAS, on September 28, 2016 notice of such public hearing was published in the Washington County News, a newspaper of general circulation in the Town of Damascus, Virginia; and

NOW, THEREFORE, be it hereby ORDAINED that

1. Section 39-11 of the Code of the Town of Damascus, Virginia, 2002 is hereby enacted as follows:

Sec. 39-11.- Burning of Certain Materials Prohibited

It shall be unlawful for any person to burn any trash, refuse, debris, leaves or brush within the corporate limits of the town. Any person violating this section shall be guilty of a Class 3 misdemeanor.

2. This Ordinance shall become effective upon adoption.

CERTIFICATION

I hereby certify that I am the Clerk of the Town of Damascus, Virginia and that the foregoing is a true and correct copy of an ordinance duly adopted at a regularly scheduled meeting of the Town Council of the Town of Damascus, Virginia held on October 3, 2016, at which a quorum was present.

The Town Council voted as follows:

<u>Member:</u>	<u>Attendance:</u>	<u>Vote:</u>
Ms. Barrett	Present	Yea
Mr. Greer	Present	Yea
Mr. Hayes	Present	Yea
Ms. Seymore	Present	Yea
Ms. Van de Vuurst	Present	Yea
Mr. Williams	Present	Yea

Given under my hand the seal of the Town of Damascus, Virginia this 3rd day of October
2016:


V. Tuesday Pope, Clerk
Town of Damascus, Virginia



"The Strength of a Town Lies in the Confidence and Cooperation of Its People"

Committee Reports

Budget, Finance and Administration:

TAXES: Real Estate tax collection has improved to 91.58%, an increase of .60% over previous month. \$1,176.45 has been collected since past due notices were mailed in Sept. All years real estate collection rate improved to 95.12%. Personal property rate is 86.03%. A summary of our tax rates, fees, budget percentages is also included with my report.

GRANTS: Chief Hounshell & I are working on the Byrne Grant for 2016. Our Grant Statement of Award/Acceptance was completed 9-23-2016. The total award in the amount of \$7,262 will be used to purchase traditional law enforcement equipment which includes 4-Level IIIA ballistic vests & carriers for a total of \$2669.60, 4 rechargeable flashlights @\$115 each for a total of \$460, & ammunition totaling \$1003.99- *Total Equipment \$4,133.59. The remaining funds totaling \$3,128.41 will be spent in overtime hours for saturation patrols and knock and talks in reported drug areas of the town. The Town's match is \$726(10%). A detailed list is attached. The deadline is December 31, 2016 for purchases & paid overtime. Need approval for disbursements over \$500.

VML VISIT & SAFETY GRANT: Lisa Schenk with VML met with Tuesday, Chief Hounshell, & myself on Monday to go over our policy renewal, coverage amounts, risk management assessment, claims, etc. Gavin & I will be working on the risk management questions in October. 2016-2017 annual premium is now \$29,967 which we pay quarterly. Our premium increased when we added workers' compensation coverage for our police auxiliary; however we are still Tier I as VML does not count the LODA premium amount. This makes us eligible for \$1000 for the safety grant. Applications may be submitted for Cycle #2 between Jan 1, 2017 & Feb. 25, 2017. Our earlier 2016 safety grant received was for swing mats for the park. A list of safety items for consideration to be purchased from grant funds will need to be submitted with application along with an explanation to demonstrate an innovative and a proactive approach to managing risk. I have included a VML safety grant program frequently asked question print-out.

Streets, Lights and Maintenance:

Mr. Greer referred to the following report on the department's operations for the month of September, which was submitted by the Public Works supervisor, Joe Fritts:

We have completed a repair on our Case tractor that took some time and required a near complete disassembly of the entire machine. This was done over several months. It is the tractor that runs our side mower, and absence of which hurt our ability to trim some right-of-ways. We also completed repairs on our smaller Kubota tractor/backhoe, which was originally damaged while in service to the sewer dept. Repairs on these two machines would have been much more expensive and lengthy without the assistance of our trustees from the regional jail. Costs would have ran into thousands of dollars if done outside the department.

The end of mowing season is at hand, but continues pending frosts. Roadside pickup of leaves will begin soon. Piles should be placed within 10ft of the roadside or sidewalk and be free of sticks, trash, and debris, which would cause damage to the machine. Brush pickup continues but will be limited during leaf season, which will be done daily.

The park restrooms have had to be repaired several times this month. Some, but not all, due to vandals. Soon we will be doing repairs and replacement of the ceilings, which have suffered extensive vandalism. We also had some minor damage done within the locked, fenced enclosure at the pool. All areas will be winterized soon and the water will be shut off by Nov. 2nd (with the exception of the bathrooms in the park).

Parks and Recreation:

Mr. Williams reported that the next Trail Days meeting is scheduled for Monday, Oct. 17th at 6:30 pm.

Events & Entertainment Committee – Ms. Barrett and Ms. Van de Vuurst reported that preparations are underway for the ‘A Trail Town Christmas’ festival, which will be held at the Rock School Auditorium on Saturday, December 3rd. More details and information will be available soon, and the next meeting will be on Oct. 27th at 5:15.

Planning Commission:

Mr. Blevins reported that the Planning Commission is working on redoing the committee bylaws to stagger the appointment terms more evenly. The terms will remain 4 years, but will allow for adjustments when appointing to fill an unexpired term.

Police and Fire Advisory:

Mr. Hayes deferred to the following P.D. activity report for the month of August, as presented by Chief Hounshell:

Operations:

In September 2016, Damascus Officers handled 71 calls for service, 5 citations issued and 5 criminal arrests made.

The Fall Down in Damascus event was uneventful except for one incident that occurred after the event was over in which one arrest was made. It did not begin at the festival but at BOBOs and ended in the park.

Traffic Enforcement Activities:

During September 2016, Officers responded to 1 motor vehicle accident.

Speeding complaint areas include:

Complaint areas include South Shady Avenue, Laurel Ave, Orchard Hill and Beaver Dam with special attention being placed on crosswalk areas.

Investigations Report:

The department took 8 investigative reports for the month of September.

Special Notes:

The policy manual is complete. I have printed one hard copy and the rest will be on disk or computer file for each of the employees. The manual covers topics required by the Law Enforcement Standards Commission. I have been in touch with Gavin to make sure our time policy coincides with the town.

The Byrnes Grant for a total of 7,262.00 is approved and as you know we asked for the purchase of ammunition and new vest for the officers in which you all approved the purchase and we thank you! We are hoping the ammunition will last a couple years and the vest shelf life is 5 years.

The ammunition and vest should be in within the month.

The remainder of the funds, if you approve, will be used for the purchase of four rechargeable flashlights that mount in the vehicle. I priced these through Hooked and the price is 115.00 dollars each, for a total of

460.00 dollars. The remaining 3,128.41 will be used to fund overtime activities for drug enforcement and saturation patrols in reported areas of drug activity. This will allow officers to concentrate on the drug area and not be call dependent.

We are still in the process of trying to purchase uniforms. There were problems with the dark blue matching so we are looking at light blue shirts with the dark blue pants. The tentative price from galls is 738.69. (Added to Consent Agenda for approval) This would be for the purchase of two short sleeve, two long sleeve and three pants. This does not include the class A pants. They are sending one set for us to review.

No change in vehicles. The explorer is not being driven at this time because the rear end needs to be replaced. (See New Business)

The two new hires are working. They are still being evaluated.

I am having issues getting in touch with VDOT. More attempts will be made.

Mayor McCrady stated the unused Crown Vic, the black Dodge Intrepid, and the Ford Expedition need to be put out for bid so they can be sold.

- Mr. Williams made a motion to advertise and solicit sealed bids for the three vehicles mentioned, 2nd by Mr. Greer. The motion passed (6-0).

The following report was submitted by Chief Turner referencing the Damascus Volunteer Fire Department's operations for the previous month:

Motor Vehicle Accidents (MVA): 2
Creeper Trail Accidents/Missing: 3
Fire Alarms: 1
Residential Fires: 0
Ground Search/ AT: 1
Assist DVRS: 0

The Damascus Fire Dept. has a total of 26 Members and 5 Junior Members. Regular business meetings are conducted the first Thursday of each month at 7:30pm. Training meetings are conducted on the third Thursday of each month at 7pm.

This month starts fire prevention state wide, we will be going to Rhea Valley Elem. On Oct. 7th to conduct fire prevention for the grades Pre-K – 2nd.

Special Committees

- * DHCD Grant Management Team – Next meeting is Oct. 4th at 6pm.
- * DBG – Next meeting is Oct. 20th at 2pm.

Manager's Report

Mr. Blevins submitted the following Town Manager's Report:

Beaverdam Creek Trail

Still awaiting approval of E&S Plans so I can finish the environment review process while Hill Studio submits the revised package to VDOT.

Regional Planning Grant/ Mount Rogers Regional Initiative

Still awaiting final documentation for project closeout (contract termination 6-30-2016) from DHCD. Working with Arnett Muldrow & Associates to help show regional stakeholders how to implement the new materials (during the first 2 weeks of October).

ARC Grant Application

I have been working with our ARC representative on the project to clarify information previously submitted, and ARC has released our contract for signing.

CDBG Grant/Downtown Revitalization

Contract negotiations for A/E services for the project have been completed, and the Town has a signed contract with Destination by Design.

The first Management Team meeting will take place on October 4th to introduce the consultants, update the team, and start moving on the Façade Program. Ms. Seymore and Mr. Williams will represent the Council on this team (originally Mr. Greer and Mr. Hayes were appointed to a façade committee, but a separate committee isn't necessary after all, and the Grant Management Team will cover all façade aspects also).

Settlement for acquisition of the property is set for October 21, 2016.

Community Pathways Project

The next batch of bricks to be installed will be approximately 550 in number and will be from Shady Ave northbound as far as they will go.

I have been in contact with the ATC about the need for removal of the large tree that has destroyed the sidewalk there.

ARC POWER Initiative

MySWVA's regional application submitted in August has been approved for \$250,000 of Tobacco Commission funds; we are still awaiting approval of approximately \$500,000 in additional funds from the POWER grant (leveraging our \$250k and the \$250k from TIC).

VTC Market Leverage Program

The application opened on September 13 and closes on November 30, 2016. I will fill in the year-to-year information while assisting the Town and its partners to develop the marketing design.

Attorney Report

1. Mr. Dene presented a proposed ordinance to amend sec.22-299(a)(2) of the Town Code, referencing business license fees and taxes, as previously requested by the Council. Mayor McCrady read through the ordinance and asked the wishes of the Council.
 - Ms. Seymore made a motion to approve the Ordinance to Amend Sec. 22-299(a)(2), as presented. Mr. Williams 2nd the motion, which passed (6-0).

The Town of Damascus

OFFICE OF MAYOR

Damascus, Virginia

-- Town of Damascus, Virginia--

An Ordinance to Amend Section 22-299(a)(2)
of the Code of the Town of Damascus, Virginia, 2002

BE IT HEREBY ORDAINED that

1. Section 22-299(a)(2) of the Code of the Town of Damascus, Virginia, 2002 is amended to provide as follows, with new language underlined and deletions indicated by strikethrough:

Sec. 22-299. - License fee and tax.

(a)(2) In addition to the license fee specified in subsection (1) of this section, and except as may be otherwise provided in Code of Virginia, §§ 58.1-3712, 58.1-3712.1 and 58.1-3713, every such person or business with annual gross receipts of more than \$30.00 shall be assessed and required to pay annually a license tax on all the gross receipts of such persons includable as provided in this article at a rate set forth below for the class of enterprise listed:

- a. For contractors and persons constructing for their own account for sale, \$0.16 per \$100.00 of gross receipts;
- b. For retailers, \$0.20 per \$100.00 of gross receipts;
- c. For financial, real estate and professional services, \$0.20 per \$100.00 of gross receipts;
- d. For repair, personal and business services and all other businesses and occupations not specifically listed or exempted in this article or otherwise by law, \$0.20 per \$100.00 of gross receipts;
- e. For wholesalers, \$30.00 on the first \$60,000.00 and \$0.05 per \$100.00 of purchases in excess of \$60,000.00 (see Code of Virginia, § 58.1-3716 for limitations);
- f. For carnivals, circuses and speedways, \$100.00 for each performance held in the town (see Code of Virginia, § 58.1-3728 for limitations), and must pay an additional fee as follows:

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1. On such shows requiring one and two loads, \$5.00 per day;
2. For three to five loads, inclusive, \$8.00 per day;
3. For six to ten loads, inclusive, \$15.00 per day;
4. For 11 to 20 loads, inclusive, \$20.00 per day;
5. For 21 to 30 loads, inclusive, \$30.00 per day;
6. For 31 to 50 loads, inclusive, \$40.00 per day;
7. For over 50 loads, \$50.00 per day.

On each sideshow, curiosity show or similar show, exhibiting on the same or contiguous lots with a circus and owned by a person other than the owner or owners of the circus, the tax shall be \$15.00 per day.

- g. For fortunetellers, clairvoyants and practitioners of palmistry, \$500.00 per year;
- h. For massage parlors or similar type establishments, \$500.00 per year;
- i. For itinerant merchants or peddlers, \$250.00 per year (see limitation in Code of Virginia, § 58.1-3717);
- j. For photographers, \$0.20 per \$100.00;
- k. For permanent coliseums, arenas or auditoriums having a maximum capacity in excess of 10,000 persons, open to the public, \$1,000.00 per year (see limitation in Code of Virginia, § 58.1-3729);
- l. For savings and loan associations and credit unions, \$50.00 per year;
- m. For direct sellers as defined in Code of Virginia, § 58.1-3719.1, with total annual sales in excess of \$4,000.00, \$0.20 per \$100.00 of total annual retail sales or \$0.05 per \$100.00 of total annual wholesale sales, whichever is applicable
- n. For commercial banks, \$0.80 for each \$100.00 of the net capital;

- ~~o.~~ For all private banks, \$25.00 per year;
- ~~p.~~ For small loan companies, \$50.00 per year;
- ~~q.~~ For agent or branch office of small loan companies, \$35.00 per year;
- ~~r.~~ For every person, or agent, except banks and resident attorneys, loaning money on real estate, for compensation, either directly or indirectly, \$15.00 per year;
- ~~s.~~ For amusement machine operations, \$75.00 for three coin-operated amusement machines and \$25.00 per machine above three, up to a maximum of \$200.00; and
- ~~t.~~ For industrial loan associations and agricultural credit associations, \$500.00 per year.

This Ordinance shall become effective upon adoption.

CERTIFICATION

I hereby certify that I am the Clerk of the Town of Damascus, Virginia and that the foregoing is a true and correct copy of an ordinance duly adopted at a regularly scheduled meeting of the Town Council of the Town of Damascus, Virginia held on October 3, 2016, at which a quorum was present. The Town Council voted as follows:

<u>Member:</u>	<u>Attendance:</u>	<u>Vote:</u>
Ms. Barrett	present	yea
Mr. Greer	present	yea
Mr. Hayes	present	yea
Ms. Seymore	present	yea
Ms. Van de Vuurst	present	yea

Mr. Williams

present

yea

Given under my hand the seal of the Town of Damascus, Virginia this 3rd day of October, 2016:

Tuesday Pope
V. Tuesday Pope, Clerk
Town of Damascus, Virginia



2. Mr. Dene reported that a cable company came to Damascus and did an inventory on the remaining equipment (from the previous cable company), and will be in contact soon about whether (or not) they will consider taking over the cable business in Town.
3. Mr. Dene stated there have been confusion and problems regarding how to implement adequate charging of fees associated to the fulfillment of FOIA requests that are received by the Town. The Council agreed that once the request is specific and can be fulfilled, the time and hourly wages being paid to the employee who will be providing the information should be estimated beforehand and invoiced to the requestor accordingly, for approval.
4. Mr. Dene has contacted the Virginia Employment Commission regarding gaining a transcript or voice recording from a hearing concerning a previous employee, but so far has been unsuccessful.
5. Mr. Dene advised the Council on the upcoming grant purchase/property closing later this month for what is currently a car lot at 223 W. Laurel Ave. The purchase must be approved by vote, as well as other closing costs that will be incurred, and a title insurance needs to be chosen based on the obtained quotes as well.
 - Mr. Greer made a motion to purchase for \$250,000 the real property described in a deed of record in the Clerk's office of the Circuit Court of Washington County, in Deed Book 1045, Page 160 (tax map nos 172B1-A-170, 172B1-A-171, 172B1-A-172, and 172B1-A-173) pursuant to and in conformity with the option the Town has already purchased, contingent upon receipt of grant monies. Mr. Williams 2nd the motion, which passed (6-0).
 - Ms. Barrett made a motion to authorize the purchase of title insurance, for the specified property purchase, thru Fidelity Insurance, at the fee quoted. Mr. Williams 2nd the motion, which passed (6-0).
6. Mr. Dene also reported that the last remaining unpaid sewer bill, from the Town's previous ownership, will be squared away during the upcoming process of that particular property changing ownership.

7. Mr. Dene suggested the proposed zoning ordinance provisions, (which attempt to clarify the current ordinance which is sometimes unclear, circular talking, contradicting, etc....) be reviewed by the Planning Commission, which should then report to Council with feedback or approval of updates.

Mr. Blevins responded that the Planning Commission will be taking up that task in the near future.

Old Business

Nothing to report at this time.

New Business

- Ms. Barrett made a motion to approve the expense of around \$700 for the replacement of the rear end on the Police Department's Ford Explorer. Mr. Williams 2nd the motion, which passed (6-0).

Council Members Reports

None at this time.

Citizens Comments

None at this time.

Announcements

- * Town Hall will be CLOSED on October 10th, in observance of Columbus Day.
- * On Oct. 24th at Holston High School at 7pm, people are invited to 'Meet the Candidates' who are running for Town Council in the November election.
- * Halloween trick-or-treating will be observed in Town on Oct. 31st from 6-9pm.
- * For information on upcoming events, visit our website www.visitdamascus.org.

Consent Agenda

- Mr. Williams made a motion to pay the bills for invoices exceeding \$500, 2nd by Ms. Seymore; the motion passed (6-0).
- Mr. Williams made a motion to pay the bills, 2nd by Ms. Seymore; the motion passed (6-0).
- Ms. Barrett made a motion to adjourn, 2nd by Mr. Hayes; the motion passed (6-0).

Jack McCrady, Mayor

Tuesday Pope, Clerk