

TOWN COUNCIL  
MEETING  
AUGUST 6, 2012  
7:00 PM

Mayor Moore-Present  
Vice-Mayor Greer-Present  
Councilman Ward-Present  
Councilman Massey-Absent  
Councilman Doughty-Present  
Councilman Metz-Absent  
Councilman Lewis-Present

STAFF PRESENT: Arthur Miles, Ethel Parks, Chief DiMartino.

CALL TO ORDER:

The meeting was called to order at 7:00 pm by Mayor Moore. Mayor Moore established a quorum.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited by all present.

INVOCATION:

The Invocation was given by Vice-Mayor Greer.

Mayor Moore noted that in the past the meetings have been very relaxed too loose, veering away from the format and agenda. He said he feels they need to use more structure with interaction between the Council members and the public. Mayor Moore asked for anybody who wished to speak to state their name for the record. He noted that he is not discouraging anybody from speaking their mind.

APPROVAL OF MINUTES REQUESTED FOR THE PUBLIC HEARING AND THE REGULAR COUNCIL MEETING OF JULY 2, 2012, AND THE SPECIAL MEETING OF JULY 23, 2012:

Councilman Doughty made the Motion to approve the Minute of the Public Hearing and the regular meeting of July 2 and the Special meeting of July 23, 2012. The Motion was seconded by Councilman Ward. Discussion-None. The Motion was passed unanimously.

CITIZEN INPUT:

Donald E. Kellam, Jr. stated that the hydrants were bled a couple of weeks ago on a Monday morning without warning. He noted that his wife was doing laundry and ended up with a load of dirty water while washing whites. He asked if they could schedule flushing the hydrants and notify residents by means of a message on their water bills. Mr. Kellam noted that the he saw the ad in the newspaper for wastewater operator and asked why they did not advertise for water operator at the same time.

Barry Long stated that Mr. Massey and Mr. Bailey rode around his farm looking for property lines. He noted that his telephone number is on the signs posted and should have called and asked permission before entering his property. He said that they did not run over the irrigation lines but could have and that would have been costly.

OLD BUSINESS:

PHASE III PARKING LOT PROJECT FINAL PLANS HAVE BEEN REVIEWED AND REVISIONS REQUESTED:

Mr. Miles explained that the preliminary plans in the Council packet are the plans that are being reviewed. Mayor Moore asked when the final plans would be ready for review. Mr. Miles noted that they will be ready for review in September.

TOWN HALL ROOF - NON-FRIABLE ASBESTOS FOUND. WORK HAS BEEN RECOMMENDED TO INCLUDE ASBESTOS REMOVAL. REQUEST PERMISSION TO ADVERTISE FOR THE REPAIRS:

Mr. Miles informed the Mayor and Council that the Town Hall roof was inspected for asbestos and a moderate amount of non-friable asbestos was found. He noted that it is not dangerous and asked the Council if they should remove it or cover it up when they patch the roof. It was the general consensus of the Council to get a price on removal of the asbestos and a price to cover it when patching the roof.

#### POSITIONS VACANCIES REMAIN FOR THE PLANNING COMMISSION, ZONING APPEALS BOARD AND FAÇADE COMMITTEE:

Mr. Miles noted that they suggestions for people to fill these positions. Mayor Moore suggested that Mr. Miles advertise these positions on the Town website.

#### EASTERN SHORE HEALTHY COMMUNITIES WALKABILITY WORKSHOP WAS HELD IN EXMORE ON JULY 31, 2012. WE AWAIT THE RECOMMENDATION WRITE-UP:

Mr. Miles said that the consultants noted that the streets are too wide, inviting speeders; there are not enough trees so therefore it is not enough shade for visitors to downtown, and that it is not friendly to persons with disabilities. He said that the asphalt blends in with the sidewalks making it difficult for blind people to tell where the edge of the sidewalk is. Mr. Miles noted that the consultants have very good ideas but they come with a price. He further noted that they will prepare a report of what they envision for Exmore.

#### EXMORE FINANCIAL REPORT:

Mr. Miles noted that the revenue is above the expenditures for July.

#### POLICE DEPARTMENT REPORT:

Chief DiMartino reported that the check received in June for fines was \$24,768.50 and \$26,200.15 in July. He said that Barry is still doing very well in school. Chief DiMartino stated that Tru-Blu and Antique Emporium had windows broken out and the suspect, a 12 year old male, has been caught. He said that the department has been approved for a DMV Grant that he applied for back in the spring and the only match is the vehicle fuel they use. He also applied for a DCJS Vehicle Grant, stating that only 6 cars would be given away and the only criteria was to be have under a 10 man department and in need of a car. Chief DiMartino noted that they are still putting pressure on the stores and the shoplifting calls have slowed down. They issued 377 summonses, 6 parking tickets, made 8 arrests, 249 building checks and numerous calls for service. He commended the department for their hard work.

#### NEW BUSINESS:

##### PERMISSION REQUESTED TO ADVERTISE A REQUEST FOR PROPOSALS (RFP) FOR A WIRELESS BROADBAND PROVIDER:

Mr. Miles asked the Mayor and Council for permission to advertise for a RFP for a wireless broadband provider. He noted that the sample RFP is a boiler plate and he would like to work on it and put together a proposal that benefits the Town and the provider. Mr. Miles stated that it is a step into the future and the Town needs it for business growth. Councilman Ward made the Motion to move forward with the RFP. The Motion was seconded by Councilman Doughty. Discussion-Mayor Moore asked about the selection process. Mr. Miles said it would probably be included in the RFP. There was no further discussion. The Motion was passed unanimously.

##### SPRINGSTED IS WILLING TO HAVE A MEETING TO SECURE PUBLIC COMMENT FOR THE MANAGER SEARCH PROCESS:

Mr. Miles said that Mr. Anzivino has two dates open for to hold a meeting for public comment. Vice-Mayor Greer suggested that they hold the meeting on August 13. After brief discussion Mayor Moore asked Mr. Miles to schedule the public comment meeting with Mr. Anzivino on August 13 at 6:00 pm.

##### OVERTIME POLICY CHANGES TO THE PERSONNEL POLICY MANUAL RECOMMENDED:

Mr. Miles noted that the recommended change to the Personnel Policy Manual is "***All non-emergency overtime MUST be approved beforehand by the supervisor AND the Town Manager.***" He noted "non-emergency" was added. Vice-Mayor Greer stated that he felt there should be no overtime except for in the case of an emergency. He said that if an employee worked overtime on any day then they should take equal hours off by the end of that work week to end up with no more

than 40 hours. Vice-Mayor Greer added that administrative staff should have no more than 40 hours in overtime per year and public works should have no more than 80 hours in overtime per year. After some discussion, Vice-Mayor Greer made the Motion that there will be no more excessive overtime and if anyone works overtime they will have to take equal time off before the end of that work week to end up with 40 hours, and that each employee in administration cannot exceed 40 hours in overtime per year and public works employees cannot exceed 80 hours in overtime per year. Discussion-Councilman Ward said that he does not agree with the per year cap stating that there can be a lot of water line breaks causing a lot of overtime. Councilman Lewis noted that regardless of policies, emergencies are going to happen to cause employees to work overtime. The Motion was seconded by Councilman Lewis. The Motion was passed unanimously.

**CONSIDER ENTRY INTO CLOSED SESSION TO DISCUSS PROPERTY SALE ISSUES AND EMPLOYEE/HIRING ISSUES:**

Councilman Lewis: "I move that the Council convene into closed session pursuant to Virginia Section §2.2-3711 (A)(1) to discuss and consider prospective candidates for employment;

And, pursuant to Virginia Section 2.2-3711(A)(3) to discuss and consider the disposition of publically held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body."

The Motion was seconded by Councilman Doughty. Discussion-None. The Motion was passed unanimously.

The Mayor, Council and Mr. Miles convened to Closed Session.

**RECOVER FROM CLOSED SESSION:**

Mayor Moore announced that they have reconvened from closed session. He read the "Certification of Closed Meeting" as follows:

WHEREAS, the Council of the Town of Exmore has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of Section §2.2-3712 of the Virginia Freedom of Information Act; and

WHEREAS, Section §2.2-3712(D) of the *Code of Virginia* requires a certification by this Council that such a closed meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE BE IT RESOLVED, that the Council of the Town of Exmore hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully EXEMPTED FROM OPEN MEETING REQUIREMENTS BY Virginia law were discussed and (ii) only such business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered.

**ROLL CALL VOTE:**

Councilman Ward-Aye

Councilman Doughty – Aye

Vice-Mayor Greer – Aye

Councilman Lewis– Aye

Councilman Massey – Absent

Councilman Metz – Absent

**OPPORTUNITY FOR MOTION(S)/VOTE(S):**

Vice-Mayor Greer made the Motion to reject the bids on both properties because they did not meet the qualifications in the advertisements in the newspaper. The Motion was seconded by Councilman Ward. Discussion-None. The Motion was passed unanimously.

**DISCUSSION-COUNCIL/CITIZEN INPUT:**

Donald E. Kellam, Jr. asked why it is taking so long to move forward with Springsted. Vice-Mayor Greer noted there have been delays. Mr. Kellam noted that it will be hard for the public to attend the meeting with Mr. Anzivino at 6:00.

**SUGGESTED DATE FOR THE SEPTEMBER REGULAR COUNCIL MEETING (MONDAY, SEPTEMBER 10, 2012):**

Mayor Moore announced that a special meeting will be held on Monday, August 13 at 7:00 pm and the next regular Council meeting will be on Monday, September 10, 2012.

MOTION TO ADJOURN:

Vice-Mayor Greer made the Motion to adjourn the meeting. The Motion was seconded by Councilman Ward. The Motion was passed unanimously. The meeting was adjourned.

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William M. Moore, Jr. Mayor

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Ethel Parks, Town Clerk