

TOWN COUNCIL  
MEETING  
APRIL 2, 2012  
7:00 PM

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

STAFF PRESENT: Arthur Miles, Ethel Parks, Connie Zahn, Chief Angelo DiMartino, Officer Jason Campbell, Officer Barry Randall.

CALL TO ORDER:

The meeting of the Exmore Town Council was called to order at 7:00 pm by Mayor Moore. A quorum was established.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited by all present.

INVOCATION:

The Invocation was given by Vice-Mayor Greer.

APPROVAL OF MINUTES REQUESTED FOR THE PUBLIC HEARING FOR PROPOSED DOG ORDINANCE #193, PUBLIC HEARING FOR PROPOSED GUN ORDINANCE #194, AND REGULAR COUNCIL MEETING OF MARCH 5, 2012, THE SPECIAL COUNCIL MEETING OF MARCH 12, 2012, AND THE SPECIAL COUNCIL MEETING OF MARCH 22, 2012:

Councilman Scanlan noted an error on page 2 of the Minutes of March 5 and pages 2 and 3 of the Minutes of March 22. Councilman Scanlan made the Motion to approve the Minutes of all Minutes presented with the necessary corrections made. The Motion was seconded by Councilman Ward. Discussion-None further. The Motion was passed unanimously.

CITIZEN INPUT:

Scott Hines noted the changes in the proposed firearms ordinance but he still has concerns with how old they consider a "responsible adult" to be.

NEW BUSINESS:

RESULTS OF EXMORE/BELLE HAVEN MEETING REGARDING BELLE HAVEN'S REQUEST TO EXPLORE POTENTIAL SERVICES FOR BELLE HAVEN:

Mr. Miles stated that they met with Belle Haven on Thursday night. He said that they are interested in future water service but not with garbage collection at this time. He noted that they are interested in police protection. Mr. Miles said that Mayor Moore, Chief DiMartino, and Sgt. Doughty will be doing an off-duty run of what Belle Haven wants monitored to see how much time it takes and what cost it will be to Belle Haven. He said that they will be doing this on their own time and using their personal vehicles. Vice-Mayor Greer said that they need to speak with Sheriff Godwin and work out the kinks with Accomack County. Chief DiMartino said that he informed Mayor Long that the Town of Belle Haven needs to talk to Sheriff Godwin.

TOM POTTS, SR'S. TERM AS EXMORE'S REPRESENTATIVE TO THE COUNTY'S INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) ENDED MARCH 31, 2012. HE DOES NOT WISH TO BE CONSIDERED FOR THE POSITION ONGOING: THE COUNTY DESIRES EXMORE'S RECOMMENDATION FOR A REPLACEMENT:

Councilman Scanlan asked if the IDA was still active. He stated that he has been on the Council for four years and has not heard any reports from anyone on the IDA. Mr. Miles noted that the IDA has not been active but they are asking for a representative from Exmore to fill the vacancy.

### PHASE III DOWNTOWN PARKING LOT PROJECT PROGRESS:

Mr. Miles said that the bus kiosk would be relocated next to Winston Custis' property, which will gain seven parking spaces. He said that he spoke to Brett Elledge, from VDOT, and he is looking for a plan on how the Town wishes to proceed and Mr. Elledge will create a timeline of when approvals must be made. He indicated to Mr. Elledge that they would like to start the project as early as this summer. Mr. Miles asked the Council for their approval to proceed. Vice-Mayor Greer asked if this was part of the \$50,000 that they voted on for the parking lot. Mr. Miles said that it is. Mr. Miles said that Wade Chenault extended the deadline until December of this year and as long as we can break ground this year and continue progress the grant funds will be available. Councilman Scanlan asked if the parking lot is one phase. Mr. Miles told him that the parking lot is Phase III, Main Street and around Willis Wharf Road is Phase IV and Front Street is Phase V and that our part is approximately \$50,000 for each phase. Mr. Miles said that he would like to be able to tell the engineering firm to proceed with the RFP's. Councilman Scanlan said that he felt they had already voted to spend the \$50,000. Mr. Miles noted that he wanted to inform the Council what was going on. The Council agreed.

### DISCUSSION/VOTE RELATIVE TO PUBLIC HEARING ON AMENDED DOG ORDINANCE #193:

Mr. Miles noted that he added "seeing eye dogs" and "service animals" to the ordinance. Mr. Miles said that they are required to hold Public Hearings for Ordinances only if there is money involved. He said they can have a Public Hearing for this ordinance but it is not required. Councilman Scanlan said that since the wording has been changed to suit the public and that they are not required to have a Public Hearing, he does not have a problem with Ordinance No. 193. Mayor Moore stated that there is nobody present to speak for or against the Ordinance, and the changes were made based on the consensus of the Council, he agrees with the changes.

Councilman Scanlan made the Motion to enact Ordinance No. 193. The Motion was seconded by Vice-Mayor Greer. Discussion-None further. The Motion was passed unanimously.

### DISCUSSION/VOTE RELATIVE TO PUBLIC HEARING ON AMENDED FIREARM/WEAPON ORDINANCE # 194:

Mr. Miles notes that the Public Hearing was held and the requested changes were made. He said that, there is still a concern from Mr. Hines concerning the age of a "responsible adult". Mr. Miles stated that according to the Virginia Department of Game and Inland Fisheries, with a proper license, a 12 year old can hunt. He said that Chief DiMartino has done a lot of research on this. He noted that a Class 4 misdemeanor will not go on anybody's record provided they comply with the court. Vice-Mayor Greer asked Mr. Hines if Section 3 – similar weapons, is where the age is an issue. Mr. Hines told him it is. Vice-Mayor Greer noted that "similar weapons" refers to a responsible adult of 18 years of age or older. Vice-Mayor Greer made the Motion to approve Ordinance No. 194. The Motion was seconded by Councilman Ward. Discussion-None further. The Motion was passed unanimously.

### EXPLANATIONS REGARDING BUDGET ISSUES RESULTING FROM THE PROPOSED CHANGE IN BILLING PROCEDURES REQUESTED FOR SEWER BILLS. WE WOULD PREFER THE ABILITY TO CEASE BILLING WHEN A HOUSE GOES VACANT AS WE DO FOR WATER/GARBAGE BILLING:

Mr. Miles stated that when homes or businesses become vacant the billing for water and trash is stopped but the sewer billing continues. He noted that the tenant or property owner will have to request the billing to stop as they do now with water and trash. Mayor Moore asked how they would know if they are eligible or not. Mr. Miles said that if no one is occupying the building, then they are eligible. Councilman Scanlan noted that if the property has a structure with water and sewer connections they are eligible, but if they have a vacant lot with a sewer connection, they should still pay the monthly fee. After some discussion, Mayor Moore said that they should table it and to look into it more before making a decision.

AUDITOR HAS INDICATED THAT THE 2009 AUDIT WILL BE FINISHED PRIOR TO THE MAY COUNCIL MEETING:

Mr. Miles said that the auditor has indicated that she will attend the May Council meeting to present the 2009 audit. Councilman Scanlan suggested to bid out the audits and get them caught up to date. Mayor Moore noted that he is not against bidding them out, but would like to wait until Diane Smith is here and see what she has to say. Mayor Moore asked how long we have been working on getting Quickbooks set up. Mr. Miles said that the accountant that was working on it previously is no longer with Leatherbury-Broache and that now is tax time and they are very busy.

EXMORE FINANCIAL REPORTS:

Councilman Scanlan noted that "ball field" is listed twice. The Clerk apologized stating it should be listed only once. He noted that we should do away with decals and have the Town add the fee to the tax bills. He said it would save the cost of the decals and the labor of the clerks selling them. Mr. Miles noted that he has approached the new Treasurer but has not received a response as yet. Councilman Scanlan said that he would like to have the financial report in the packets. The Clerk said that it is hard to complete the reports when the end of the month is within a day or two of the packets being distributed. She told the Mayor and Council to feel free to call or come by the office if they had any questions regarding the financial reports.

OLD BUSINESS:

BROADBAND WIRELESS TEST ANTENNA IS FINALLY IN PLACE AND OPERATIONAL. TESTS SHOW PROMISE BUT WILL CONTINUE!:

Mr. Miles stated that the test antenna is in place and operational. He said that they have run into some problems with it in Cape Charles, but are working to solve those problems. Mr. Miles said that there are a few people in Exmore hooked up to Broadband so far and more requesting it. He noted that this is just a test to see how far the signal can go on the test antenna.

WESTFIELD AVENUE DUPLEX IS EXPECTED TO HAVE A BUILDING APPLICATION FOR REPAIRS BY THE DATE OF THIS MEETING:

Mr. Miles said that Steve Lawson has been contracted by Mr. Butler to make the repairs on the duplex but as of last week Mr. Lawson had not received any funds to obtain the permit.

EASTERN SHORE ORCHESTRA'S REQUEST TO THE TOWN FOR FUNDS FOR A CONTRIBUTION MATCH BY THE VIRGINIA COMMISSION FOR THE ARTS GARNERED \$200 WHICH WILL TRANSLATE TO \$400 WITH THE MATCH:

Mr. Miles noted that the Eastern Shore Orchestra's request for funds garnered \$200. He said that he has made the application to Commission of Arts for the match and expects that they will pay \$200.

EXMORE FIRING RANGE LAND OWNERSHIP ISSUES ARE INTENDED TO BE TAKEN TO THE ZONING BOARD IN MAY BARRING FURTHER DIFFICULTIES:

Mr. Miles said that the ownership issues at the firing range are still being dealt with. He noted that Ms. Kirkwood's surveyor went to the range on Friday to survey. Mr. Miles said that he hopes to have the packet ready for the May Zoning Board meeting with the County. He stated that he does not have the easements in hand, but that Barry Long and Old Dominion Power are amenable to what we need.

JOHN REITER AND JOE STEVENS SELECTED AS PSA BOARD MEMBERS. THE BOARD OF DIRECTORS IS NOW FULLY MANNED!

Mr. Miles stated that the PSA Board is now fully manned.

POSITIONS FOR THE PLANNING COMMISSION, ZONING APPEALS BOARD AND FAÇADE COMMITTEE REMAIN OPEN. RECOMMENDATIONS ARE WELCOME AND NECESSARY!:

Mr. Miles stated that we still need people to fill these vacancies. Councilman Scanlan suggested that they advertise for the positions again as well as the vacancy on the IDA.

**POLICE DEPARTMENT REPORT:**

Chief DiMartino reported that the performance numbers are up and that the department is working hard. He said that all of the officers, including Mr. Miles, are now NIMS certified. He noted that the pre-school classes from Occohannock School came. They were all excited about touring the department and receiving gift bags. Chief DiMartino said that he and Sgt. Doughty held two classes at Shore Christian Academy. He said that the vandalism suspect that tore up part of the Town pled guilty. He stated that the department has had a couple of checking details and are planning more to check for stickers. He said that they all now have Town issued Glocks and holsters and that they were paid for through a grant. Mayor Moore commended Chief DiMartino for the job the department is doing. He said that he has been hearing a lot of compliments.

**DISCUSSION-COUNCIL/CITIZEN INPUT:**

Councilman Doughty asked if the delinquent tax list was ready. Mr. Miles stated that it is printed and all are welcome to review it.

Councilman Scanlan noted that since they have painted the curbing throughout town he has noticed some uneven sidewalks, chipped and cracked curbs. He asked who was responsible for fixing them. Mr. Miles said that VDOT is responsible for fixing them. He said that there are holes where poles were taken out and should be properly repaired. He said there is foul language in the sidewalk as well. Councilman Scanlan also pointed out a large blue sign that is down between the Holiday Inn and the Plaza and the portable sign south of TruBlu is badly damaged. He asked to find out who owns it and have it removed.

Vice-Mayor Greer said that he received a phone call regarding how the books are being handled and closed out. Mr. Miles said that books are reconciled daily and that the money is placed in the safe. He said that the same issue was brought to his attention and he has been watching how things were being handled. He noted that money does not lie around. Councilman Scanlan said that he received the same phone call and asked about checks and a missing credit cards receipt.

Ms. Zahn noted that the new front desk clerk had not written a receipt to staple the credit card receipt to it. She noted that the credit card machine batches daily and the receipts have to match the batch report and the verification from the bank. Ms. Zahn said that Lisa Floyd sent a check for the water bill on the home she was renting. She said that Ms. Floyd sent the check to cover the bill in the event the tenants did not pay after they left. She noted that at the time the tenants still had until the 20<sup>th</sup> of the month to pay, which they did and Ms. Floyd's check was returned to her.

Vice-Mayor Greer asked Mr. Miles if he has contacted Springsted. Mr. Miles noted that he has but has not gotten a response yet.

**SUGGESTED DATE FOR REGULAR COUNCIL MEETING (MONDAY, MAY 7, 2012):**

**ADJOURNMENT:**

Councilman Scanlan made the Motion to adjourn. The Motion was seconded by Vice-Mayor Greer.. 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