

TOWN COUNCIL
MEETING
AUGUST 12, 2013
7:00 PM

Mayor Greer-Present
Councilman Ward-Present
Councilman Massey-Present
Councilman Doughty-Present
Councilman Duer-Present
Councilman Metz-Present
Councilman Lewis-Present

STAFF PRESENT: Zeke Jackson, Ethel Parks, Chief DiMartino, Officer Zieger, Buster Spady, Brandon Evans, Taylor Dukes.

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited by all present.

INVOCATION:

The Invocation was given by Mayor Greer.

APPROVAL OF MINUTES:

Councilman Duer noted errors in the Minutes of the July 15th meeting. Councilman Massey made the Motion to approve the Minutes of the regular Council meeting of July 15, 2013 with corrections. The Motion was seconded by Councilman Ward. The Motion was passed unanimously. Councilman Duer made the Motion to approve the Minutes of the meeting of July 22, 2013 as presented. The Motion was seconded by Councilman Lewis. The Motion was passed with all in favor but Councilman Massey who abstained because he was absent from the meeting. Councilman Duer pointed out some errors in the Minutes of the July 26th meeting. Councilman Lewis made the Motion to approve the Minutes of the meeting of July 26, 2013 with corrections. The Motion was seconded by Councilman Ward. The Motion was passed unanimously.

CITIZEN COMMENT (3 MINUTE LIMIT PER SPEAKER):

David Scanlan said that he did not see a line item in the budget for the T-21 grants and asked where we stood with them. He noted that most of the Towns have advertised their budgets two times and he has only seen our budget advertised one time. Mr. Jackson said it is supposed to be advertised two times. Mr. Scanlan said also that he never saw in the budget the changes in the rates; what they were and what they will be. Mr. Jackson told him that they will hold a subsequent Public Hearing on the rate change. Mr. Scanlan asked if they are budgeting anything this year for match money for the T-21. Mayor Greer told him that as of right now we are not. Mr. Scanlan asked if it would put us in jeopardy of losing the grants. Mayor Greer said that we are not in jeopardy of losing them and he hopes to be able to take smaller steps towards improvements to show good faith. Mr. Jackson noted that he is not sure how the sequester has impacted the funds and if they are even still available.

OLD BUSINESS:

RANDALL STAPLETON, STREET HOCKEY PRESENTATION:

Mr. Stapleton addressed the Mayor and Council about the importance of the Eastern Shore Street Hockey League. The league was established in 1996 and teaches sportsmanship, exercise, and healthy competition. It has grown from 5 teams of 35 players to 220 players in 2011. Mr. Stapleton noted that the ESSHL has a rink in Parksley and it consists of players of all ages, from 5 to 55, from lower Maryland, Accomack County, Northampton County, and Virginia Beach. He said that this program is structured to get the kids off the street, playing a game and interacting with adults. As adults, they play hockey with the kids, they provide leadership and direction and mentor them. Mr. Stapleton said they are interested in the property next to Western Auto and asked who would be

responsible for tearing down the existing building. He noted that funding for the rink in Parksley came from private donors and fundraising. Mr. Jackson noted that funding would come from the re-scoping of a grant. Mr. Stapleton asked the Mayor and Council for their support of the ESSHL in Exmore and for the support of the community. Mr. Stapleton noted that there is enough space for a multi-purpose facility. Mr. Jackson stated that they have allocated funds from a planning stand point in the budget and they will have to get them released at the state level before they actually use them for this purpose.

ELECTION OF VICE-MAYOR:

Mr. Jackson explained that they are internally electing a Vice-Mayor from their members. Councilman Metz made the Motion to nominate Councilman Tommy Lewis as Vice-Mayor. The Motion was seconded by Councilman Ward. The Motion was passed unanimously.

NEW BUSINESS:

RFP FOR ENGINEERING SERVICES:

Mr. Jackson noted that we are facing infrastructure issues and will need engineering services to rectify those issues. He explained that the RFP is a blanket engineering consultation agreement. He said that we would be advertising for a three year contract with an engineering firm to procure whatever engineering services the Town may need during that time period. Mr. Jackson noted that this would be primarily for the well, water system and wastewater projects.

VRS RESOLUTION:

Mr. Jackson explained that 2012 General Assembly created the Virginia Local Disability Program for political subdivision and school division employees who will be covered under the VRS Hybrid Retirement Plan effective January 1, 2014. The Hybrid Retirement Plan will apply to most employees hired on or after January 1, 2014 and current employees who opt to switch to the plan. He noted that once opted into VRS's coverage is irrevocable, meaning we are locked in to VRS's coverage forever and have no option to capture market rates from other companies. Mr. Jackson said that our current insurance provider, VML, will have the comparable coverage that we will need. He noted that the opt-out resolution is also irrevocable. After brief discussion Councilman Duer made the Motion to adopt the VRS Resolution; Irrevocable Election Not to Participate in Virginia Local Disability Program. The Motion was seconded by Councilman Ward. The Motion was passed unanimously.

APPOINT TAYLOR DUKES TO PSA:

Mr. Jackson stated that he has been the Town's representative on the Public Service Authority. He said that, as he is leaving, they need to appoint another representative to replace him and he recommends Taylor Dukes. Councilman Massey resolved to appoint Taylor Dukes to serve as Exmore's representative on the PSA for Northampton County. The Motion was seconded by Councilman Duer. The Motion was passed unanimously.

VML GRANT:

Mr. Jackson explained to the Mayor and Council that VML offers a Risk Management reimbursement grant in the amount of \$1,000 that can be used for equipment such as DVD players, safety equipment, park equipment, and so on. Mr. Jackson noted that Ms. Weeks has submitted the paperwork for a piece of park equipment to replace the train at the playground for \$2,700 and VML will reimburse us \$1,000 if we get the grant. He explained that we are not obligated to anything until we find out if we get the grant.

EXMORE BUSINESS ASSOCIATION DISCUSSION:

Elvin Hess spoke to the Mayor and Council on behalf of several businesses regarding the Town wide yard sale. He said that the yard sale is an important part of the community and they hope to be able to pull it together for this year. Mr. Hess said that they are hopeful for a cooperative effort of working with the Council and the Town to pull together some projects and finding ways to recruit new businesses.

Ken Dufty, owner of Wachino, stated that coming to Exmore was the best move he has ever made. He said the Town has been supportive and he applauded the Police and Public Works Departments for the great jobs they are doing. Mr. Dufty noted that the businesses want to partner with the Council and the Town to promote Exmore.

Mark Sinclair stated that he is a new business owner in Exmore and supports the hockey rink.

Mayor Greer stated that he and the Council look forward to working with the Business Association and getting the Town back growing again.

Mr. Jackson said that the Council and Business Association can work together in a couple of ways. One way is to have a Redevelopment Commission where two Council members serve as liaisons to the Commission and members of the general public appointed at large by the Council in its entirety to serve on the Commission to meet once a month on issues pertinent to redevelopment in Exmore. The other way is to have two Council members determine a committee and meet with the Business Association on a regular basis.

ORDINANCE NUMBER 199, NOISE:

Chief DiMartino noted that the original ordinance stated that there had to be a complainant, then the officer had to give them a warning, then if they had to go back, they could act on it and issue a summons. The main problem is late night parties with loud music. He said that this ordinance is the same as the old one during day time hours but once 10:00 pm hits if an officer tells someone to turn their music down and they keep it going, the officer can issue a summons right away, and it carries a civil penalty of \$100. Councilman Lewis made the Motion to adopt Ordinance No. 199. The Motion was seconded by Councilman Metz. The Motion was passed unanimously.

FINANCIAL REPORT:

Mr. Jackson reported that we are operating ahead by \$51,933 but annual and quarterly bills are coming due. He said that there are compliance issues with some businesses reporting their gross sales and the tax schedule they used. Mr. Jackson noted that we do have the authority to audit their books if the Council wishes. Councilman Lewis made the Motion to enforce the ordinance to engage in audit activity for commercial tax payers. The Motion was seconded by Councilman Massey. The Motion was passed unanimously.

Mr. Jackson said that we have not cut water customers off in a couple of months and some customers have ignored their bills again, resulting in over \$10,000 in overdue utility bills. He said that cut-offs are scheduled for the 5th.

POLICE REPORT:

Chief DiMartino reported that they have gotten away from writing parking tickets because some people were not paying. He said that they are now issuing summons for parking violations. He noted that the Byrne grant application in the amount of \$3,500 has been recently submitted and that they are moving forward with the grants for the vehicles. Chief DiMartino said that they are addressing complaints at the park and working closely with the Task Force about drug issues in Town. He offered the department's help to the Business Association with the yard sale.

Councilman Massey thanked Mrs. Spotten for picking up trash throughout town. Mrs. Spotten extended thanks to Naomi Scanlan for helping.

UTILITIES/PUBLIC WORKS REPORT:

Taylor Dukes reported that we have pumped approximately 44 million gallons of water, leaving only 16 million gallons for the year. He noted that there was one complaint of dirty water and after having a sample tested, there was no bacteria present.

CLOSED SESSION: PERSONNEL MATTERS-DISCUSSION OF PERFORMANCE OF 1 ADMINISTRATIVE EMPLOYEE, DISCUSSION OF REAL PROPERTY, DISCUSSION OF POSSIBLE LITIGATION:

Councilman Duer: "I move that the Council convene in closed session pursuant to Virginia Section §2.2-3711 (A)(1)(3), discuss employee performance and real estate transactions. The Motion was

seconded by Councilman Ward. The Motion was passed unanimously. The Mayor, Council and Mr. Jackson convened to Closed Session.

CERTIFICATION OF CLOSED SESSION:

Councilman Lewis 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(D) 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.

The "Certification of Closed Meeting" was seconded by Councilman Duer and was approved by the roll call vote of:

Councilman Ward-Aye; Councilman Massey-Aye; Councilman Doughty-Aye; Councilman Duer-Aye; Councilman Metz-Aye; Councilman Lewis-Aye.

Councilman Lewis made the Motion to resolve to allow Mr. Jackson to remain employed with the Town of Exmore until September 12, 2013 and to be paid the balance of any unused vacation leave. The Motion was seconded by Councilman Duer. The Motion was passed unanimously.

CITIZEN COMMENTS (3 MINUTE LIMIT PER SPEAKER):

Donald E. Kellam, Jr. questioned the collections report stating that his father-in-law's name is on it as owing .01 and he knows that his bill is paid in full. Mr. Jackson told Mr. Kellam that the .01 showing is not a balance, it is a credit.

**PROPOSED NEXT MEETING:PUBLIC HEARING ON BUDGET, AUGUST, 19 2013, 7:00
SPECIAL MEETING, BUDGET ADOPTION, AUGUST 27, 2013,**

ADJOURNMENT:

Councilman Massey made the Motion to adjourn. The Motion was seconded by Councilman Doughty. The Motion was passed unanimously.

Douglas Greer, Mayor

Ethel Parks, Town Clerk