

TOWN COUNCIL  
MEETING  
July 15, 2013  
7:00 PM

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

STAFF PRESENT: Zeke Jackson, Ethel Parks, Lisa Weeks, Chief DiMartino, Captain Doughty, Officer Randall, Officer Zieger, Mike Johnson, Buster Spady, 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.

Clerk of Court, Traci Johnson swears in Douglas Greer to fill the vacancy of Mayor, commencing June 19, 2013 and expiring June 30, 2014. Ms. Johnson swears in Robert Duer to fill the vacant seat of Councilman, commencing on June 19, 2013 and expiring on June 30, 2014.

APPROVAL OF MINUTES:

Councilman Massey made the Motion to approve the Minutes of the regular meeting of June 10, 2013. The Motion was seconded by Councilman Doughty. Discussion-None. The Motion was passed unanimously. Councilman Ward made the Motion to approve the Minutes of the special meeting of June 19, 2013. The Motion was seconded by Councilman Massey. Discussion-None. The Motion was passed unanimously.

CITIZEN COMMENT (3 MINUTE LIMIT PER SPEAKER):

Donald E. Kellam, Jr. stated that during the public comment time at the last meeting he heard that there were complaints made by employees against the Town Manager and the Town Manager was the one that addressed the complaints. He said that he feels it is unethical and that the complaints should have been handled by the Mayor and possibly the Council.

Buster Spady asked Mr. Jackson why the raise that was approved by the Council was not given to him. Mayor Greer told Mr. Spady that now is not the time. Councilman Doughty noted that a raise was approved eight weeks ago or maybe longer and asked him if he had gotten it. Mr. Spady stated that he did not get what he was promised. He said that he is not asking for anything that is not his but if he should get what is promised to him. He asked Mr. Anzivino when he was notified about the grievances and Mr. Anzivino told him he was notified about them a few weeks ago.

OLD BUSINESS:

BROADBAND RFP – DUE AUGUST 1 TO ANPDC:

Mr. Jackson noted that the ANPDC has been handling the RFP to find a service provider for the Broadband service locally. He said that it is due on August 1.

Councilman Massey asked Mr. Jackson if the sale of the property with Mr. Kellam has been finalized yet and if there was any asbestos found. Mr. Jackson told him that they did find asbestos and pursuant to the contract they have a 180 day study period which specifically names asbestos as an item that they can renegotiate and then discuss it in closed session.

NEW BUSINESS:

SPRINGSTED INCORPORATED, VML:

Mr. John Anzivino noted that he is here at the Mayor's request due to issues that have arisen involving the agreement between the Town and Springsted. He said that they are bound to assist in any way that they can in resolving any issues that may have arisen. Mr. Ed Daley, President Virginia Municipal League and Dan Taber, Town Manager of the Town of Dumfries are present with Mr. Anzivino. He stated that this is a personnel matter and they would like to discuss their findings in Closed Session.

ENTERING INTO CLOSED SESSION:

Mayor Greer: "I move that the Council convene in closed session pursuant to Virginia Section §2.2-3711 (A)(1), to discuss employment status of two administrative employees. The Motion was seconded by Councilman Duer. The Motion was passed unanimously with Councilman Metz absent.

The Mayor and Council convened to Closed Session with Mr. Jackson, Mr. Anzivino, Mr. Daley and Mr. Taber.

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 Ward and was approved by the roll call vote of:

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

Councilman Massey made the Motion to move the part time worker in administration to full time. The Motion was seconded by Councilman Lewis. The Motion was passed unanimously. Mr. Jackson introduced Lisa Weeks as the newest member of the administrative staff.

CITIZEN SURVEY REPORT:

Mr. Jackson reported that there was approximately an 11% return on the surveys that were sent out. He said that the high marks were for garbage collection and the worse marks were for drinking water with economic health rating okay. In regards to the budget, most were inclined to raise taxes and fees to keep the services and police protection they have now.

UPDATE; NEW WELL PROJECT, NOTES FROM DRAPER ADEN ASSOCIATES:

Taylor Dukes noted that he and Mr. Jackson met with representatives of Draper Aden last Wednesday. They are hopeful to start on the project this fall and have the new wells installed by Christmas of 2014. Mr. Jackson noted that this is a \$424,000 project. He said that the aquifer test may involve some water treatment activities. Mr. Jackson stated that we are currently eight years out of permit and Draper Aden will have a backlog of paperwork to handle this process for us and their fee will be \$1,500 to do this. He said that the interest rate on the loan would be 1% less than prime and would be a 20 year bond through VRA. Mr. Jackson asked the Mayor and Council for approval to move forward with the short form. Councilman Duer made the Motion giving Mr. Jackson the approval to move forward with the short form. The Motion was seconded by Councilman Ward. The Motion was passed unanimously.

WATER CONSERVATION MEASURES:

Taylor Dukes explained that we are permitted to pump 60.9 million gallons of water per year and as of July 1 we have pumped 37,975,400 of water leaving us with roughly 22.9 million gallons of water left to pump this year. He said that at this rate we will exceed our permitted amount and DEQ could fine us a monetary fine or could just get a slap on the wrist. He said that there is already an Ordinance to restrict water use and we can always come back and take it off. Mr. Jackson stated that the restrictions would include stopping watering outside shrubbery, lawns, grasses, washing vehicles, sidewalks, streets, parking lots, exterior of buildings, filling or refilling of swimming or wading pools, and the list goes on. He said this does not restrict fire companies from connecting to hydrants in case of a fire.

Councilman Massey asked about the water loss due to water line leaks. Mr. Dukes informed him that they will be performing the leak detection on the lines starting tomorrow morning. He said that they tried the smoke test but the wastewater lines were too small.

#### POSTPONE YARD SALE:

Mr. Jackson reported that it is his understanding that the yard sale is not a money maker. He said that Mr. Miles told him that the Town lost money on it last year and due to the restrictions on staff he is asking the Council to consider moving it to a later date. Councilman Lewis made the Motion to postpone the annual yard sale. The Motion was seconded by Councilman Massey. The Motion was passed unanimously.

#### USDA-RD GRANT

Mr. Jackson explained that these resolutions are standard forms that pertain to grant/loan combination money totaling \$86,000 that will be used to replace three police vehicles. Councilman Lewis made the Motion to resolve to adopt Position 5, Form RD 1942-47. The Motion was seconded by Councilman Massey. The Motion was passed unanimously. Councilman Duer made the Motion to resolve to adopt Virginia Instruction 1942-A, Exhibit B, Attachment 2. The Motion was seconded by Councilman Doughty. The Motion was passed unanimously.

Mr. Jackson stated that Rural Development is willing to move forward without us having our audits in line. He said that they may not be willing to move forward due to the litigation that is currently pending against the Town in compliance with the Civil Rights Act of 1964. He noted that it may go against the water well project as well. He is waiting to hear back from Peggy Jordan of the USDA-RD to see if they are willing to move forward.

#### FINANCIAL REPORT:

Mr. Jackson noted that we have encountered a problem with the A/R account in water/sewer/trash and our accountant is coming to help resolve that. He said that this is a very small data set with only two weeks into the new fiscal year reporting. There has been \$57,547 in taxes and fees collected and \$17,435 collected in enterprise funds, for a total income of \$76,956. Mr. Jackson said the operating expenses for the police department are \$9,900, administration, \$8,800; public works, \$5,500; water, \$2,900 and wastewater is \$2,500 with a net income of \$47,226.44 so far for this month.

#### POLICE REPORT:

Chief DiMartino reported that the department is doing very well. He said that Officer Campbell had been sick and that they all pulled together to cover his shift for him. He noted that they worked two breaking and enterings; one on Houston Street where a stainless steel stove was stolen and the other in the New Road area where a handgun was stolen. He reported that on July 4<sup>th</sup> a house and vehicle on Madame C.J. Walker Lane was shot up and luckily no one inside was injured. Chief DiMartino said that they continue to walk businesses and put pressure on the Plaza and some neighborhoods. He is working on updating our noise ordinance to make the violation a civil penalty. He said it would better protect the Town and the police department. He noted that radios in the cars are loud and the music at parties is loud and then the parties go on through the night, some get out of hand, and without a stronger noise ordinance they have no tool to work with.

Chief DiMartino said that with kids out of school for summer the Officers are keeping an eye out for minors who may still be out on the street after curfew. He reported that so far there has been no property damage or vandalism but stolen bicycles remain a problem.

Chief DiMartino stated that since traffic enforcement has been down he has noticed that accident rates have increased. He said that he would like to have a meeting with the Council and the public so that everyone is free to ask questions about police operations. Chief DiMartino stated that they are Exmore's Police Department and they are here to serve the people of Exmore. There have been questions about the cars parked behind the building. He noted that if two of them have court one will park their car and ride with the other and there are questions about the officers standing on the highway. He said that 95% of the time the officer(s) that are standing on the highway are here on their day off working the Safety Enforcement Program.

Councilman Ward asked him about animal calls. Chief DiMartino told him that the majority of the time they will call Animal Control to handle the animal calls. Councilman Massey told Chief DiMartino that he has seen a positive difference at the Plaza with people not parking in the fire lane and loitering is down also.

#### UTILITIES/PUBLIC WORKS REPORT:

Taylor Dukes reported a few water leaks last month. He stated that he passed the test for his waterworks license. Mr. Dukes noted that we have had to pump the septic tanks for two restaurants in Town due to built up grease in the tanks. He said these restaurants do not have grease traps in the tanks. Mr. Dukes stated that one pump burned up due to the grease and it cost the Town approximately \$500 to replace the pump. He said that we had to return to one of the restaurants a second time due to grease stopping up the pump. Mr. Dukes recommended that they update the ordinance so that it will require users to have a grease trap in place to avoid these problems.

Mr. Dukes said that he met with the engineer last week and discussed with him ways to make corrections to get out from under the consent order with the wastewater plant. Mr. Jackson noted the engineer will put together a Preliminary Engineering Report once we have received an RFP. He said that installing grease traps will be a step in the right direction and we do have the authority to do that. He said that our attorney is working on the appropriate wording of the ordinance and any rate adjustment(s) made during the budget process will be included as well.

Mr. Dukes noted that as far as the grease problem goes, one customer wants to make the matter right and the other feels as though it is a Town problem. Mr. Jackson reported that Brandon's truck and Taylor's truck are both on their last legs and need to be retired.

Mr. Dukes noted that the tipping fees are increasing by \$2.00 per ton.

#### CITIZEN COMMENTS:

Buster Spady said that he notified Mr. Jackson over two months ago about Brandon's truck being a death trap and that Mr. Dukes never checks the oil in his until it rattles.

Bob Mishefski said he does not feel they should using titles on names because they tend to sway people. He asked why the water permit is outdated by eight years. Mr. Jackson told him it essentially goes back to gaps in management. Mr. Mishefski asked why the water quality is at such a state. Mr. Jackson said that our water system is 63 years old. Mr. Mishefski asked why the Town would have yard sale in the fall instead of mid-summer. He said he feels mid-summer would be a better time. He spoke about the noise ordinance, saying that he feels if you can hear someone else's music over 50 feet away then it is too loud and there should be some sort of regulation against it. Mr. Mishefski said that he saw an officer at the drive-thru at McDonald's with a small child in the car and said he did not know if that was allowed if it was not official police business.

PROPOSED NEXT MEETING: JULY 22, 2013 BUDGET WORK SESSION:

ADJOURNMENT:

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

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Douglas Greer, Mayor

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Ethel Parks, Town Clerk