

TOWN COUNCIL
MEETING
JUNE 10, 2013
7:00 PM

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

STAFF PRESENT: Zeke Jackson, Ethel Parks, Chief DiMartino, Captain Doughty, Investigator Leckel, Officer Randall, Officer Zieger, Buster Spady, Taylor Dukes, Brandon Evans.

CALL TO ORDER:

The meeting was called to order at 7:00 pm by Acting Mayor Greer. Acting Mayor Greer established a quorum with all members present.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited by all present.

APPROVAL OF MINUTES:

Councilman Metz made the Motion to approve the Minutes of the regular meeting of May 6, 2013 and the emergency meeting of May 8, 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 he and several other citizens arrived last week for the regularly scheduled meeting to find no Councilmen, the doors were locked, no notice on the doors and no notice posted on the bulletin board stating that the meeting had been changed to tonight. Mr. Jackson said that there was a notice on both interior doors. Mr. Kellam noted that there were no notices that could be read from the outside and that the other citizens looked as well and could not see a notice changing the meeting date.

Donald P. Kellam, Sr. remarked to the Council that it is difficult to hear them in the back of the room and asked them to check their mikes. Mr. Kellam noted that he has a concern with part of the playground equipment. He said that the way the sliding board bottlenecks at the top is a safety issue for small children and they can fall from the top and injure themselves. He said that nylon rope zig-zagged across the opening may be a solution. Mr. Jackson noted that it will be taken care of.

David Scanlan noted that he received a letter from Mr. Jackson when he first got here concerning the sewer bills for Lot B-2 and Lot 3450. He noted that he sent a letter to Mr. Jackson regarding the inconsistent billing practice, particularly relinquishing over \$7,000 in sewer fees for Broad Street Laundry, he is asking that the Council stop billing the monthly fees for the above properties. Mr. Scanlan stated that former Town Manager, Mr. Gilsdorf, promised in writing to provide the owner of Lot B-2 a connection to the Town sewer system at no charge. He noted that he has paid a total of \$3,849.79 in user fees over the years and has never used it. There are people in Town who need sewer connections and he is willing to give up these connections to those people. He said that the properties are for sale and the connections can stay on the properties and whoever buys them can pay the Town the connection fee. Mr. Scanlan said that the Town relinquished over \$7,000 to Broad Street Laundry and he is only asking to be treated the same way. He noted that there are others who have been disconnected from the sewer system and have not been billed. He said the he wrote the letter two months ago and has not received a response. He asked the Council for their consideration and is willing to meet with them whenever they can. Acting Mayor Greer stated that it needs to be looked into and resolved. He asked Mr. Jackson to put it on the agenda for June 19th. Councilman Metz asked if there was anyone looking to be hooked up now. Taylor Dukes said that there is one that has expressed interest on Houston. Mr. Jackson said he has talked to two others on Main Street, one being El Maguey Restaurant. He said that it would be some cost to the Town and leg work and they would need to make some significant headway to the improvements on the system. Mr.

Scanlan stated that he has paid more than it cost to hook up to the system and all he is asking is that they stop the billing so he can settle up what he owes.

Mr. Scanlan noted that he is representing the Friends of the Railroad, Inc. They are interested in preserving Exmore and Eastern Shore culture and heritage. He said that the Town of Exmore owns the train station building that was moved to the site in the early 1980's. The caboose was donated by Al and Pat Egan. Significant improvements have been made due to an Eastern Shore Tourism grant. Original brick pavers that had been covered with asphalt have been uncovered and re-laid, underground electrical service has been installed, new wiring in the building, handicap accessible bathroom with town water and sewer, new entry door and hardware, and foundation work has been done. It also has a new heat pump system. The building still needs painting inside and out, it needs new windows and a new roof. It needs a handicap ramp also. There is a caboose in Concord Wharf that has been donated to them but it cost to move it. Mr. Scanlan stated that this is an opportunity to promote Exmore but there are still more improvements that need to be made before they can open it to the public. He noted that the Town has kept the grass cut over the years and painted the outside in the past. He said that a new roof and a loading platform will make it possible to open but they do not have the financial resources to do anymore. Councilman Metz asked what the cost would be for each of the items. Mr. Scanlan said him that he has given Mr. Jackson an estimate for each of the items. Mr. Jackson said that they could go through a grant process if they wanted to go that route and they also have a pot of money for economic development and he would talk to the A-NPDC to see if this would be appropriate for funding. Councilman Metz asked if they could move forward now or if they would have to wait for the budget. Mr. Jackson said that he would start the process now with the A-NPDC.

Kenneth Carpenter stated that he has always been a stickler of following the Town Charter. He said he feels the duties and powers of the Mayor have been misinterpreted. He read the Charter to say in section 3.5 that the Mayor shall be the Chief Executive Officer of the Town and in section 4.5 that the Town Manager shall be the Chief Executive Officer of the Town. Mr. Jackson stated that he has asked questions about that and apparently it should read that the Town Manager shall be the Chief Administrative Officer of the Town. Mr. Carpenter said that the Mayor is the most powerful individual in the Town but less powerful than the body of the Town Council. Mr. Carpenter urged the Council to elect a Mayor then fill the vacant Council seat. He stated that we need a complete governing body.

OLD BUSINESS:

OPTIONS AGREEMENT FOR NEW WELL PROPERTY:

Mr. Jackson stated that we have an option agreement, pending engineering approval, to purchase real property from Bill Prettyman for two new wells in the amount of \$7,500 with a down payment of \$10.00. Councilman Metz made the Motion to purchase the property. The Motion was seconded by Councilman Ward. Discussion-Councilman Metz informed the citizens that the Town has to have the property in order to drill two new wells. Councilman Massey asked if there was any new information on the grants pertaining to the new wells. Mr. Jackson said they would discuss it later in the meeting. The Motion was passed unanimously.

CAROLYN PENNELL PROPERTIES:

Mr. Jackson stated that the Town has been given by deed of gift a number of lots from the Carolyn Pennell estate. He said the lots are in the area of Houston and Carolyn Avenue. There are three lots that total 1.22 acres. There are five other lots that that adjoin to other properties and those property owners have placed barns on the Pennell properties. Mr. Jackson said that the logical course of action to take would be is to see if the adjoining property owners would be interested in purchasing the lots where they have put the barns. He said they could do something with the other three lots at a later date. Councilman Lewis made the Motion to give Mr. Jackson the authority to looking into holding a Public Hearing for the sale of the lots. The Motion was seconded by Councilman Ward. Discussion-None further. The Motion was passed unanimously.

NEW BUSINESS:

Councilman Doughty stated that he has new business. He said that he has asked for a closed session meeting five weeks ago to hear the grievances from the employees and nothing has come of it. He said he is tired of going out and the general public jumping him about it. He is asking for it again tonight. Councilman Doughty asked Acting Mayor Greer if he wanted the written “mumbo” (referring to documents from his attorney). Acting Mayor Greer told him no, that he had his own from the Town attorney. He advised the Council to follow the letter from the Town attorney and it says that they cannot have a meeting, such as the manner of which the letter was that was delivered. Councilman Doughty stated that his lawyer told him that they can have such a meeting. He asked the Council if they are going to deny him the right to have this meeting that he asked for five weeks ago. Councilman Massey said that the last he heard was that they were waiting for the main man from across the bay (John Anzivino, Springsted) to come. Mr. Jackson stated that it is still in process. He said that he would be bringing the president of VML and other staff members of other organizations. Councilman Massey noted that he has told employees that the Council would meet with them and he does not want them to think he has lied to them. Mr. Jackson said that David Rowan has advised him and the Council of the process that has to take place. Councilman Doughty noted that he has been advised of a process that can take place tonight, referring to documents from his attorney. He asked again if he was being denied his right to have a meeting. Acting Mayor Greer stated that they will follow the process of the grievance hearing. He said that it was suppose to take place on Wednesday or Thursday. Mr. Jackson advised Acting Mayor Greer not to say anything else due to too many details would follow and they would be in violation of the Virginia Code. Councilman Doughty said it needs to be on public record.

Officer Randall asked the Council for permission to speak. He said he was going to be nice about this and be brief. He said first of all he wants them to take their blinders off. All of the male egos that are here...in the entire room needs to stop. The political B.S. needs to stop. He said that if this situation was turned around, justice would be served (fingers snapped) just like that. He said he is getting tired of getting swept under the rug. He has issues that need to be addressed. He is getting tired of sitting back and not saying anything, If he doesn't, nothing is going to be done. They are some serious issues. He said that he is not the type of person that will fight for himself...he fights for people that he cares about. He said that they are wrong if they think he is trying to gain some kind of financial gain or whatever (it's been thrown out there). He said that when it comes to his character, that's all he's got. He actually was looking at losing his house when he got the opportunity to become a police officer in Exmore. What he did not expect was the stupidity, the ignorance that he was faced with. He said he has a job to do and he is proud of it when he is in his uniform displaying his badge of authority. He said that they have a lot of authority, they can actually protect and serve the people in this Town. It is an honor for him to do that, but in the process he does not and should not have to put up with the B.S. Acting Mayor Greer banged the gavel at this time and told Officer Randall that he is done speaking. Officer Randall told him that something needs to be done immediately because he has rights and they have been violated. Acting Mayor Greer told Officer Randall that he is going to tell him exactly what it is going to be. He said that as far as a special meeting, he has no intentions of being a part of a special meeting. Acting Mayor Greer told Officer Randall that there is a meeting and there is a grievance that will take place. He is not sure when that will take place but he will have his say then. He said that he will follow the Town attorney's grievance process. He told Officer Randall that he had his couple of minutes to say his peace and that they grievance process will follow suit. Councilman Doughty asked if he is being denied the right to have this meeting. Acting Mayor Greer told him that he is not being denied anything. He told Councilman Doughty that he can make a Motion and get a second and vote. Councilman Doughty made the Motion to call a special meeting. Councilman Metz spoke to Officer Randall, saying that he understands what he is saying but they have to go through the legal channels, the grievance process. Sheena Carach spoke out to the Council saying that they lost a very good officer. Acting Mayor Greer bangs the gavel telling Ms. Carach to sit down. Ms. Carach said you lost a very good police officer because nobody wanted to hear it. (At the time that Ms. Carach is speaking, Acting Mayor Greer is telling Ms. Carach to sit down). At this point Ms. Carach is inaudible....Acting Mayor is asking Angelo to take her out of the room.....there is loud, inaudible noise and chaos in the room.

Once things calm down a little Councilman Metz told the citizens that we are not trying to cover up anything, we have to go through the process, it might take a month, it might six months. Ms. Carach said that she was told by Zeke Jackson that Ethel and Artie committed fraud and that Connie was embezzling and that she has it on recording if they wanted to hear it. She asked the Council to tell the Towns people if that was true or not. Councilman Metz said that this was the first he has heard of it. Ms. Carach said she wrote it in her grievance to the Council. Councilman Doughty said that he has never seen the grievance. Acting Mayor Greer, banging the gavel, stated that this is getting way out of line and that if it happens again he will have all the employees out of the room. He spoke to the employees in the audience saying that he will not allow them to speak out the way they have been doing and if it happens again they will leave. He said that it is his show and it will be done by the book. Connie Taylor spoke out saying that she is a tax payer and wants to know why the employees can't speak if they have a grievance or why they need a lawyer to speak. Councilman Lewis, speaking to all in attendance, said "We have to communicate!" He said that there's animosity between everybody and two wrongs do not make a right. Councilman Lewis stated that there are always three sides to every story, their side, his side and in the middle hopefully is the truth. He noted the grievance was filed the way handbook read but the state code that the grievance policy was written under was wrong therefore these grievances are not worth the paper they are written on. He said that the grievance was redone and the grievance that Acting Mayor Greer was going to hear Thursday turned out void because both parties had the same lawyer. That is why it has not happened yet. Councilman Lewis stated that there may be some truth in both sides. He told the citizens that they do not need to listen to just one side of the story. He said they are only trying to give everyone a fair chance. Councilman Lewis noted that Councilman Doughty has asked for a meeting on several occasions but that it has not happened because the Town attorney has advised them not to have that meeting at this time. Buster Spady asked Councilman Lewis why he was given the wrong policy and procedure when he was hired if it has changed. Councilman Lewis told him he did not know. He went on to say that there are more important things in this Town to take care of than to be arguing and bickering. He apologized to all present if he offended anyone with anything he said tonight.

G.W. Adkins addressed the citizens and said that we all need to get behind the Town, not pick sides and decide if we are going to be a Town or not.

Councilman Massey said that he feels that the reason everyone has gotten so upset is that it has been five weeks and nothing has happened. Councilman Doughty stated that it is in the Minutes that he asked for the meeting and it hasn't happened. Acting Mayor Greer said that he thinks what they have is a failure to communicate. He said they have been advised by their lawyer that this is not the tact to take. He stated that he is standing his ground and is not going to get involved with this meeting. He said it will not happen under his watch. He told the Council that if they wanted to have the meeting, he would advise them to think very hard before they go down that path and he will not get involved with it. Councilman Doughty stated that all he wants to do is to set up a meeting to air the grievances. Acting Mayor Greer said that it is not going to happen. Councilman Doughty left the meeting at this time. (7:55pm). Brandon Evans asked about obtaining a new policy and procedures handbook. Mr. Jackson said that he submitted a new one at the last Council meeting for Council approval but it was not approved.

NEW UTILITY BILLING:

Mr. Jackson explained he has talked with our accountant and it looks as though when we migrated from Flexibill to Southern Software for our Utility Billing it either did not translate right or there was corruption in the data. As a result of that the software has caused an under collection by hundreds of thousands of dollars on the utility bills. He noted that because we are already paying for Quickbooks software there is no reason we cannot integrate the utility billing software to Quickbooks with the help of the accountant. This would help defray costs associated with Southern Software. Last month who is a customer in Southern Software received a statement out of Quickbooks for water, sewer and/or trash; whatever service(s) they may receive. He said that this month we are working to put the usage for water on there as well. Mr. Jackson noted that we have found untold accounts that were not being billed. He said that with working with our accountant we will come up with a final balance and that we will end up writing off some of the receivables simply

because the billing software is wrong on some accounts. He noted that there is a massive amount of data to go through and being short staffed it is going to take time to get this situation resolved.

RESOLUTION: VOLUNTEER MOWING PROGRAM:

Mr. Jackson stated that in order to be legal and compliant to mow grass in VDOT right-of-ways, there are a number of standards we have to meet. Other than safety standards they have to have a resolution from the Town Council to engage in voluntary mowing activities. He said that they have been mowing the corners of the medians at intersections, islands, etc. and in order to be legal VDOT has asked for a resolution from the Council. Acting Mayor Greer asked if the resolution would make us responsible for cutting more than we already do. Mr. Jackson said that it only makes us legal to do what we already do. Councilman Massey asked if VDOT gave us any safety equipment. Mr. Jackson told him they do not. Councilman Metz asked if we could cut the medians without the resolution. Taylor Dukes explained that we have to have the resolution to cut the intersections that we have cut in the past. Councilman Ward said that we are doing a fine job of cutting property that does not belong to the Town and does not want to cut more than we are already cutting. Councilman Massey asked if they are keeping records of the private properties that they are cutting. Mr. Jackson told him that they are and have sent a bill out to the bank of New York Mellon. He said that they utilize a work order so they can track time and equipment and bill accordingly. Councilman Lewis made the Motion to accept the Volunteer Mowing Resolution. The Motion was seconded by Councilman Metz. Discussion-Councilmen Metz, Lewis, Massey and Ward all agreed if they cut no more than what they are already cutting. The Motion was passed unanimously.

BUDGET MEETINGS, PLANNING:

Mr. Jackson noted that he has been working on the revenue side of the budget. He said that they need to set a date on or prior to the June 19th date to discuss the budget The Council decided to meet on Wednesday, June 19th at 7:00pm to discuss the budget.

REGULATION OF TRAFFIC ORDINANCE 198:

Mr. Jackson noted that Ordinance No. 198 is to Amend and Reenact Ordinance No. 112 “An Ordinance Providing for the Regulation of Traffic and Motor Vehicles in the Town of Exmore”. He said that this is the ordinance that has to be amended every year. Councilman Massey made the Motion to accept Ordinance No. 198. The Motion was seconded by Councilman Lewis. Discussion-None. The Motion was passed unanimously

MAYORAL VACANCY: APPOINTMENT NECESSARY BY JUNE 20, 2013

Mr. Jackson explained that the order by Judge Lewis states that we “have until June 20, 2013 to appoint a qualified voter of the Town of Exmore, Virginia, to fill the vacancy, and the person so appointed shall hold office the same as an elected person and shall exercise all powers of the elected office”. He said that Mr. Robert Duer is the only person so far that has signed up for consideration.

REQUEST FOR PUBLIC WORKS:

Mr. Jackson noted that he has had a number of opportunities to observe our public works crew in action and have found that they do not have the necessary tools they need to operate and work. He feels that we need to make an investment in public works with the list in the packet and also add another \$1,300 for fasteners such as nails, screws, bolts, etc. Councilman Massey made the Motion to accept the request for public works. The Motion was seconded by Councilman Ward. There was no discussion. The Motion was passed unanimously.

WATER/WASTEWATER/PUBLIC WORKS REPORT:

Taylor Dukes reported that water and wastewater departments have been quiet. He stated that they had a positive sample for total coliform. He said they took five follow samples the next week and they all came back negative. He noted that he thinks the initial sample came from a dirty yard hydrant. Mr. Dukes said that the spring weather has caused accumulation of sludge and they have been pumping it out. He said that he has been approved to take his water license exam on June 20th. He said that we have a permit to pump 60.9 gallons of water and have pumped approximately

32,000,000 so far this year, giving us a balance of about 28,000,000. Part of what has been used was due to the water tower being down. Mr. Dukes stated that he had some concerns with the wastewater plant. He said that it is less than ten years old and there is rust eating away at the steel in several places. He showed slides of holes rusted through the roof and doors. There is a door held together with wire, rust eating through the columns, and numerous other places. Councilman Ward asked if they could use some other paint to stop the rust. Mr. Dukes said that he looking into finding a way to stop it. Acting Mayor Greer asked him to look into sandblasting and repainting or whatever he thought would hold up and bring it back to the Council.

Mr. Dukes reported that he and Mr. Jackson met with the Health Department to discuss funding for the new wells. Mr. Jackson said that he will be asking for \$520,000 on a 20 year note at 1% through VRA. He said that part of that would be for the rehabilitation of Well #1. Councilman Massey noted that the Town's water system has had some water loss and asked what the status was on that. Mr. Dukes said that a group from Virginia Rural Water Association will be here the second week in July to look for water leaks and they will be here to look for rain water infiltration in the sewer system during the third week in July.

POLICE REPORT:

Chief DiMartino reported that they have been busy. The parties are picking up and with parties sometimes come fights. He said that Adam and Sheena responded to a complaint on Virginia Avenue that involved a loaded shotgun. He noted that another officer responded to a small child on a bicycle hit by a vehicle. Chief DiMartino said that warm weather is here, the parties are starting and they are getting noise complaints. He said that the way the noise ordinance is written they have to respond to the complaint, warn them and then be called back before they can take action. The ordinance should be reworded so that if they get a complaint they can act on it immediately. Chief DiMartino noted that Tara is working several child assault and abuse cases and they are working a malicious wounding case. He said that he would like to replace the officer that they lost. The spreadsheet shows the advantage of having the seventh officer and the revenue from the Safety Enforcement vs duty fines. He said that when they have officers out on Safety Enforcement and calls start coming in they are able to cover multiple calls immediately and the Town is still covered. He noted that without the 24 hour coverage there will be gaps here and there. Chief DiMartino said that they enjoy being here and commended his officers for their hard work. Acting Mayor Greer stated that he wanted the opportunity to meet with Chief DiMartino and Captain Doughty and any other officer that would like to sit in to explain to him why it takes seven officers. Chief DiMartino agreed. Councilman Massey told him that he hears all nothing but good things about the police department and told the Chief he doing a good job. Chief DiMartino said that there are dangerous spots out here and some people do not care if you wear a badge or carry a gun because they have them too. He emphasized that it is not safe to go into those spots by themselves. Acting Mayor Greer told Chief DiMartino that he has a good group. Councilman Massey said that they deserve a lot of credit.

FINANCIAL REPORT:

Mr. Jackson noted that Ms. Parks and Ms. Wert have been working diligently to get things together for them. He said that they have been working hard to get the deposits straightened out and the statements reconciled. Mr. Jackson said that Leatherbury-Broache compiled our numbers and this year we have done it in house and our accountant is proud of our progress. In the general fund we have collected and extra \$10,548 in taxes and fees largely in part due to the police department over last year and tax compliance is up in terms of back tax collections and decals. In the enterprise funds water income is down by \$137,271.80, wastewater income is down by \$86,439.23 and trash sales are down by \$42,467.18 for a total of \$266,178 off from the previous year. He said that is a large gap in collections. He stated that we are looking for it and believes that the software appears to be the largest part of it. He said that we are down by \$212,744.36 after we account for grants and other income. Mr. Jackson said that the expense side is up by 3.3 % in the police department, administration is down by 9.8%, public works is up by 2.0 %, water is up by 21.3%, wastewater is up 32.2% and the landfill tipping fees were down by 2.2%. Over all we are off by \$306,479.43 from the previous year. He said that it is taking so long catch up and clean up records that he cannot have

a budget ready by July 1 and he is asking the Council to adopt a resolution to allow him to continue to operate by using the reserve of \$186,952 as is stated in the budget that Artie did until we can get a budget passed.

Councilman Massey asked why business license is down by \$10,000. Mr. Jackson said that we have focused on utilities and also because all of the data has not been migrated out of Southern Software yet. Councilman Ward noted that we need to get these tanks pumped too. Mr. Jackson said there are hard decisions to be made, priorities to set and they will be discussing this during the budget process. There was discussion regarding the sewer system and wastewater plant, the audits and the new wells but no decisions were made. Acting Mayor Greer asked for a Motion concerning the resolution continuing the appropriation and the fund balancing in FY 2012-2013 by the Exmore Town Council. Councilman Lewis made the Motion to approve the continuing resolution. The Motion was seconded by Councilman Metz. Discussion-None further. The Motion was passed unanimously.

Acting Mayor Greer stated that at this time they will open the floor to citizens and asked them to comment only on the items that were on tonight's agenda.

CITIZEN COMMENTS (3 MINUTE LIMIT PER SPEAKER):

David Scanlan thanked the Council for adding the Citizen Comment time back to the end of the meeting again. He added that they do not know what will be discussed until they have discussed it and thanked them for the opportunity.

Acting Mayor Greer stated that he tries to be very fair and open. Everybody has the right to say their peace. He stated that he will not tolerate disrespect to anyone in this room. Acting Mayor Greer apologized if he hurt anybody's feelings tonight.

ADJOURNMENT:

Councilman Ward made the Motion to adjourn the meeting. The Motion was seconded by Councilman Lewis. Discussion-None. The Motion was passed unanimously. The Meeting was adjourned.

Douglas Greer, Acting Mayor

Ethel Parks, Town Clerk