

TOWN COUNCIL  
MEETING  
MAY 6, 2013  
7:00 PM

Mayor Moore-Present  
Vice-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 Campbell, Officer Zieger, Buster Spady, Taylor Dukes, Brandon Evans.

**CALL TO ORDER:**

The meeting was called to order at 7:00 pm by Mayor Moore. Mayor Moore 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 special meeting of March 26, 2013 and the regular meeting of April 1, 2013 with one correction. The Motion was seconded by Councilman Ward. Discussion-Councilman Massey stated that he abstains because he was absent for the March 26 meeting. The Motion was passed.

**CITIZEN COMMENT:**

There was no one signed up to speak.

Mr. Jackson noted that he wished to amend the agenda to inform the Mayor and Council, per the Town Charter, of a change in staff. He noted that they were given a copy of a letter from a former employee and a copy of the letter of acceptance.

**OLD BUSINESS:**

**PURCHASE OF OLD DELMARVA BUILDING:**

Mr. Jackson said that he has included in their packet a copy of the contract from attorney David Rowan, negotiated by himself (Mr. Jackson) and Lloyd Kellam for the Old Delmarva Power Building. He said that he is seeking Council's approval by Resolution so he can move forward and sign the agreement and acquire the property. There was no further discussion.

**NEWBUSINESS:**

**COAST GUARD AUX. PROCLAMATION (SAFE BOATING WEEK)-RUSSELL BREELAND:**

Every year the U.S. Coast Guard sponsor a National Safe Boating Week. It is to get boaters to follow the rules of the road, don't drink or use drugs while boating, and wear your life jacket. They try to promote this by having the local townships and counties put together a proclamation declaring National Safe Boating Week in their town, county or state. This year's campaign is focused on wearing life jackets. Approximately 90% of all people who drown in boating accidents are not wearing a life jacket.

Flotilla 12-2, Painter (Chincoteague-Cape Charles) asks that May 18-24 be named Safe Boating Week in Exmore by proclamation. They will have a vessel safety check in the Ace Hardware parking lot on May 18. Councilman Doughty made the Motion to approve the proclamation. The Motion was seconded by Councilman Massey. Discussion-None. The Motion was passed unanimously.

**ADOPT UPDATE OF EMPLOYEE PERSONNEL POLICY AND PROCEDURE MANUAL:**

Mr. Jackson explained that Virginia Municipal League's Risk Management Program offers a discount for meeting their safety guidelines which save the Town over \$5,000 in liability insurance premiums. He noted that one of the items that we need to address is the update of our current policy and procedure manual. Mr. Jackson said he copied this policy and procedure manual from VML's sample policy and that one change to our current one is that he added Columbus Day/Yorktown Victory Day in October as a holiday that Exmore currently does not recognize and a way to say thank you to the employees. He noted that when he copied the model handbook, on page 16, "each employee may accumulate a maximum 240 hours of annual leave". Mr. Jackson asked to strike that out as to not have a cap on annual leave, which is how the current employee manual is written. He stated participation in FMLA is not in our current policy and procedure manual. He said that if an employee is expecting or wife is expecting, the employee could stay home with their wife and/or child and FMLA would protect their job for 12 weeks. It is good protection for the employee and would like to incorporate it into the employee manual.

Councilman Doughty noted that he wants his attorney to look at the manual before he votes on it. Councilman Massey recommended that they tabled it until the next meeting. Mayor Moore asked what major changes were made from the current employee manual to the updated proposed employee manual. Mr. Jackson noted that two legal changes have been made. One being mandatory drug testing in the current manual is a violation of federal law and the grievance policy in the current manual giving employees five days to file a grievance is now twenty days under state law. He said that the three that he mentioned previously were the only other changes. Councilman Doughty the Motion to table the personnel policy and procedure manual until the June meeting. The Motion was seconded by Councilman Massey. The Motion was passed by the vote of Councilman Ward-Aye; Councilman Massey-Aye; Councilman Doughty-Aye; Vice-Mayor Greer-Nay; Councilman Metz-Nay; Councilman Lewis-Aye.

**ADOPT ORGANIZATIONAL CHART:**

Mr. Jackson explained that the organizational chart shows who reports to who from the Town Council to the Town Manager to the department heads. Mayor Moore noted that he is not aware of the Town ever having an organizational chart before but most organizations have them and feels it is a good idea. Councilman Doughty made the Motion to table the organizational chart. The Motion was seconded by Councilman Ward. Discussion-None further. The vote to table the organizational chart was at a tie with the vote of Councilman Ward-Aye; Councilman Massey-Aye; Councilman Doughty-Aye; Vice-Mayor Greer-Nay; Councilman Metz-Nay; Councilman Lewis-Nay. Mayor Moore noted that he vote against the Motion to table the organizational chart. Mr. Jackson noted that in this case of a tie they would need to vote again. Mayor Moore stated that they need another Motion to approve or not approve the organizational chart. Vice-Mayor Greer made the Motion to approve the organizational chart. The Motion was seconded by Councilman Metz. The vote was at a tie with the vote of Councilman Ward-Nay; Councilman Massey-Nay; Councilman Doughty-Nay; Vice-Mayor Greer-Aye; Councilman Metz-Aye; Councilman Lewis-Aye. Mayor Moore broke the tie with an affirmative vote to adopt the organizational chart.

**ADOPT EMPLOYEE JOB DESCRIPTION BANK:**

Mr. Jackson noted that we need job descriptions and have not had any in place. He said that job descriptions are also a part of VML's guidelines to qualify for their discount. Mr. Jackson stated that job descriptions will help protect the Town and the employee from legal liability Councilman Doughty asked him if the descriptions were in the Town Charter. Mr. Jackson told him that they were not. He said the job descriptions came from VML. Councilman Doughty said that he does not feel that Mr. Jackson should have full power to hire, fire, and give raises with the Council having no power. Mr. Jackson noted that it is outlined in the Town Charter. Mayor Moore said that they need to have job descriptions. He noted that the ones that have been presented to them may or may not need tweaking but they need job descriptions. Councilman Metz remarked that no matter what decision the Town Manager makes the Council can still override him. Councilman Lewis noted that under the "Job Summary" of the Police Sergeant, it does not state who that person is to report to.

Vice-Mayor Greer said that they have been trying to get job descriptions for some time now and we need them. Vice-mayor Greer made the Motion to adopt the job descriptions with the amendment to the police department job summaries. The Motion was seconded by Councilman Metz. The Motion was passed by a 5-1 vote with Councilman Doughty opposed.

#### ADOPT EMPLOYEE EVALUATION INSTRUMENT:

Mr. Jackson explained that in order to run a professional organization employees need to know how they are doing. He noted that the police department already has an evaluation in place. Mr. Jackson noted that the Council will evaluate him, he will evaluate the department heads and the departments will evaluate their subordinate employees. He said that job performance will be 60% of the total score, personal performance and personal improvement. He noted that employees would be evaluated quarterly. Councilman Massey made the Motion to approve the evaluation instrument. The Motion was seconded by Vice-Mayor Greer, Discussion-None further. The Motion was passed unanimously.

#### ADOPT FEE SCHEDULE FOR MISC ADMINISTRATIVE SERVICES:

Mr. Jackson noted that we get frequent tax requests from banks and other deed service agencies and requests from the public for fax and copy services. He noted that he cannot find an adopted resolution that has set fax and copy fees. Councilman Metz asked if we have many people come in for this. Mr. Jackson told him that we have mostly calls for fax services and we have several calls from banks asking for tax records. He said that we should be billing for anything that ties up employee time to recover that cost. Vice-Mayor Greer made the Motion to adopt the resolution for the Administrative Fee Schedule. The Motion was seconded by Councilman Ward. Discussion-None further. The Motion was passed unanimously.

#### ADOPT UNIFORM EMPLOYEE JOB CLASSIFICATIONS:

Mr. Jackson noted that currently the only job titles we have are Town Clerk and Police Chief. He said that job classifications will make more sense when it comes to a uniform pay scale. Councilman Ward made the Motion to adopt the Uniform Employee Job Classification. The Motion was seconded by Councilman Massey. Discussion-None. The Motion was passed unanimously.

#### ADOPT COMPENSATION POLICY:

Mr. Jackson noted that he has attempted to adopt a uniform pay scale to make sure everybody meets, at least, the bottom range. He said that the compensation policy will bring the lowest paid employees up to standards. After brief discussion, Councilman Massey made the Motion to adopt the Compensation Policy. The Motion was seconded by Councilman Doughty. Discussion-None. The Motion was passed unanimously.

#### ADOPT UNIFORM PAY INCENTIVE PROGRAM:

Mr. Jackson explained that employees picking up garbage are getting paid a bonus every week to do so but there is no formal written policy. He also said that if an employee gets called out after hours they get paid extra for that as well but there is no written policy for that either. He would like to incorporate a bonus for meter readers in addition to their regular pay for producing entries that result in no more than 3% rereads and promote cost savings by department. Mr. Jackson noted that the Uniform Pay Incentive Program gives employees the incentive to do a better job, take control over what is being spent and it puts the policies in written form, approved by the Council. Councilman Metz made the Motion to approve the Uniform Pay Incentive Program. The Motion was seconded by Councilman Ward. Discussion-None. The Motion was passed unanimously.

#### RESOLUTION OF ACCEPTANCE OF COUNTY SWMP:

Mr. Jackson noted that the Solid Waste Management Plan allows the County to obtain grants to operate. He said that the Northampton has asked us to adopt the resolution. Councilman Metz made the Motion to adopt the Resolution of Acceptance of the County Solid Waste Management Plan. The Motion was seconded by Vice-Mayor Greer. Discussion-None. The Motion was passed unanimously.

#### POLICE REPORT:

Chief DiMartino reported that the officers are doing well. He said that four of the officers went to a DUI Conference that was paid for by a DMV grant. He noted that they are doing some checkpoints for town stickers and they are also putting pressure on the unlicensed vehicles. Chief DiMartino said that shoplifting is up a little and officers have made more presence in the stores to try and deter it. He said that shoplifting arrests increased from one last month to five this month. He stated that they had a marijuana arrest, Sheena had a traffic arrest that resulting in confiscating \$30,000 in cigarette and an arrest. He said that they have the van and that if they can sell the cigarettes the money must go to the literacy fund but if they can seize them they can use them for informants. Chief DiMartino noted that the department has been working with Mr. Jackson on code enforcement. He said that if they get a complaint such as tall grass, trash, standing water they take pictures of the property or complaint area and turn them in to Mr. Jackson. Chief DiMartino stated that he received notice that the department has approximately \$3,500 on the Byrne grant. He said that they need a lock out kit and some other things and will use the grant money to purchase those items rather than spend the Town's money. Councilman Doughty asked about the status of the grant for the new police cars. Mr. Jackson said that we can are eligible for a loan through USDA for cars and that we will get an update on the grant status sometime in September or October. Chief DiMartino noted that he talked to the one in charge of the one-time equipment grant and was informed they he made it through the first phase. He said this grant is for rifles and updated radio equipment.

Mayor Moore asked the Chief how they could tell when a vehicle owner should have an Exmore decal. Chief DiMartino told him that most of the time they could tell by the vehicle registration. Mr. Jackson commended Chief DiMartino and the department for and excellent job helping with code enforcement.

#### PUBLIC WORKS/WATER-WASTEWATER REPORT:

Taylor Dukes reported that they had three water leaks. He said that two water samples were taken to the Health Department and both came back absent for bacteria. Mr. Dukes noted that he and Mr. Jackson met the Health Department to help move forward and get away from the consent order. He said that VDOT has been helping with drainage issues and Virginia Rural Water Association is coming in July to help with leak detection. Mr. Jackson noted that he has a tentative buyer for the timber on the Belle Haven drain fields that would bring between \$15,000 and \$20,000. He said that we could use those funds to begin to solve the problems at the wastewater plant and bring the Town out from under the consent order. Mr. Jackson said that he told the Health Department that he would have a plan ready for them by July.

#### FINANCIAL STATEMENT:

Mr. Jackson stated that we have been worked diligently to get all the revenue captured so there will be an accurate accounting of what is taking place. He stated that the numbers they see now are soft numbers and will be changing as we go through the process of cleaning it up. He noted that there are a couple of months of revenue that have not been posted yet. He said this report is set up to be a year-to-year comparison. Mr. Jackson said that the police fines are up and the water, sewer and trash are down compared to last year. Real Estate collections and decals are down from last year.

Councilman Metz asked about the rental tax and why there is a \$0.00 for this year. The Clerk explained that Enterprise Car rental was in town at the Holiday Inn last year is has since moved out of town.

#### PROPOSED SCHEDULE CHANGES FOR PUBLIC WORKS/TOWN HALL:

Mr. Jackson noted that he has talked to the office staff and the public works department about changing hours to a ten hour day, four day work week in an effort to help cut costs. He said that in the office we could save on start up and shut down cost on the heating and air conditioning units saving approximately 13%. Councilman Doughty stated that he is concerned about public works being outside in extreme temperatures for ten hours. Mr. Jackson said that he agrees and will revisit

that with Mr. Johnson. Vice-Mayor Greer said that he agrees with going to a four day work week for the administration but not for public works. Councilman Ward agreed. Mr. Jackson said that the office staff is amenable to it but not public works. Mayor Moore stated that we are here to serve the people and feels that we do not need to close the office one day a week.

Mayor Moore announced that he has built a home on family land outside of town limits and that he has to resign. He stated that he is not happy about resigning and that his time serving on the Council and as Mayor has been a great experience and very rewarding. Mayor Moore said that he appreciates the confidence of the people who voted for him. He said that tonight he will bang the gavel one last time.

Councilman Massey stated that he feels the Council should have a joint meeting with all the employees. He said the employees have questions they want answers to. He noted that they have the right to know what changes are being made and we need to meet as soon as possible. Mr. Jackson recommended meeting the third or fourth week in May due to work load of the utility billing. Councilmen Doughty, Massey and Ward asked for the meeting to place on next Monday. No vote was taken on this meeting. Officer Carach stated that she proposed to hold a public meeting between the employees and the Council so the public could be present and that it needs to be soon due to pressing legal issues.

Mr. Jackson said that he would notify the Council of a meeting date as soon as possible.

**PROPOSED NEXT REGULAR MEETING: JUNE 3, 2013**

The next regular Council meeting will be held on June 3, 2013.

**ADJOURNMENT:**

Councilman Massey made the Motion to adjourn the meeting. The Motion was seconded by Councilman Doughty. Discussion-None. 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