

TOWN COUNCIL
MEETING
July 22, 2013
7:00 PM

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

STAFF PRESENT: Zeke Jackson, Ethel Parks, Chief DiMartino, Officer Zieger, Investigator Leckel, Sgt. Campbell, Taylor Dukes, Brandon Evans.

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.

OLD BUSINESS:

SALE OF TIMBER:

Mr. Jackson noted that they have some timber on the Belle Haven drain fields that is saleable. He said that this would help with the repairs and update of the wastewater plant. Mr. Jackson said that he contacted a timber buyer to assess the timber, who then sought bids from several mills. He stated that the highest bid would net the Town \$23,400, giving the mill 2½ years to remove the timber. Councilman Metz asked if that would be paid up front. Mr. Jackson said that is his understanding. Councilman Metz made the Motion to sell the timber and allow the Town Manager to execute the agreement on the Council's behalf. The Motion was seconded by Councilman Ward. Discussion-None further. The Motion was passed unanimously.

STREET HOCKEY PRESENTATION, MR. RANDALL STAPLETON:

Mr. Stapleton was not in attendance.

NEW BUSINESS:

ENTERING INTO CLOSED SESSION: PERSONNEL MATTERS – DISCUSSION OF RECRUITMENT OF NEW TOWN MANAGER, PERFORMANCE OF ONE MEMBER UTILITIES DEPARTMENT, PERFORMANCE OF ONE MEMBER OF THE POLICE DEPARTMENT:

Mayor Greer: "I move that the Council convene in closed session pursuant to Virginia Section §2.2-3711 (A)(1), to discuss the performance of one employee, each in the police, utilities and administrative departments. The Motion was seconded by Councilman Lewis. The Motion was passed unanimously with Councilman Massey absent.

The Mayor and Council convened to Closed Session with Mr. Jackson.

CERTIFICATION OF CLOSED SESSION:

Mayor Greer 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 Doughty-Aye; Councilman Duer-Aye; Councilman Lewis-Aye; with Councilman Massey absent.

As a result of the Closed Session, Councilman Lewis made the Motion to move the Utilities Director, Taylor Dukes to the top end of the pay scale. The Motion was seconded by Councilman Ward. The Motion was passed unanimously. Councilman Lewis made the Motion to apply a 2% raise for all police officers in the next budget. The Motion was seconded by Councilman Ward. The Motion was passed unanimously. Councilman Duer made the Motion to move Chief Angelo DiMartino to salary in the next budget. The Motion was seconded by Councilman Metz. The Motion was passed unanimously.

AUDITOR'S REPORT:

Mayor Greer noted that Ms. Smith had to leave.

COUNCIL GOAL SETTING FOR 2013-2014 FY:

Mr. Jackson asked the Council asked the Mayor and Council what goals they would like to accomplish in the upcoming year. After some discussion they agreed that;

1. New wells is the top priority
2. Sewer Plant (update & repairs)
3. Can Tipper & Cans
4. Police Cars
5. Work on Building for Public Works
6. Pump Truck
7. Garbage Truck (Backup)
8. Street Hockey
9. Tractor
10. Collection of Back Taxes

PRESENTATION OF REVENUES:

Mr. Jackson Explained that in the General Fund Meals tax generates the largest amount of revenue, police fines being second, then Transient Occupancy tax, and then current Real Estate tax. He noted that in the Enterprise Fund that Water sales generates the largest amount of revenue, then Wastewater and lastly, trash. Mr. Jackson told the Mayor and Council that he has presented them with a budget worksheet only and it is solely for them to study and add or take out anything that they would like to work with. He said that he cannot budget an accurate number for police fines and that he has set a base number using the previous years' fines collected of \$261,593. Mr. Jackson said that he anticipates a 50% collection rate for auto decals and a 15% collection of delinquent decals. He noted that he anticipates a 30% collection rate for delinquent Real Estate and 30% for Personal Property taxes which is a little over \$70,000 in back tax collection for the new upcoming budget year. Mr. Jackson noted that the tax valuation has dropped and therefore the tax bills will decrease. Councilman Duer asked Mr. Jackson to explain the decrease in Business License fees from 2012-2013 and then yet another decrease from 2013-2014. Mr. Jackson explained that due to the utility billing issues we delayed billing for business licenses and there are compliance issues with at least one business under reporting their gross sales. He recommended that they retain an accounting firm to audit some of the businesses records to move compliance in a more positive direction. After some discussion, Councilman Duer made the Motion to revisit the business license and make recommendations. The Motion was seconded by Councilman Metz. The Motion was passed unanimously. Councilman Lewis made the Motion to table the Motion to revisit the business

license and make recommendations. The Motion was seconded by Councilman Metz. The Motion was passed unanimously.

Councilman Duer asked about the variance in the water sales and the water deposits. Mr. Jackson noted that the variance is largely due to software issues, staffing issues and management issues. He said there appear to be some mispostings from 2011-2012 as well. Mr. Jackson said that delinquent utility customers were not cut off and some bills remained unpaid. He told the Mayor and Council that they could amend the Ordinance tying the use of utility services to the property and not the renter. He noted that per our Ordinance we were collecting a flat \$100 deposit and the State Code specifies that we are suppose to collect between 3-5 months utility service for a deposit and we are now enforcing the State Code over local Ordinance. Mr. Jackson said that we have a number of problems and asked Mr. Dukes to explain. Mr. Dukes noted that there is one building that has several tenants and because of privacy reasons the landlord could not disclose any information about the tenants. He said that he left red tags on their doors to contact the office and they were here the next day setting up account. He said other issues are duplexes with one meter, an apartment building that has 44 apartments and only one meter. He said there should be a base rate on each unit or apartment. Councilman Ward mentioned that they try to work with citizens who have been sick and cannot pay all of their water bill up front. Mr. Jackson asked the Council how they felt about enforcing the maximum end of the State Code, requiring five months instead of three months for the deposit. After some discussion, it was the general consensus of the Council to require three months for the deposit.

Mr. Jackson explained that the grants line item shows State Police Assistance, FEMA reimbursement, the Fireman's Fund, which is a pass through, and small police grant. He noted that the sale of assets include the timber sale. He said that he would that he will retool the worksheet to show sales of any vehicles that they want to surplus out as a result of getting the new squad cars. Mr. Jackson said that we receive rent from the farm and there is \$125,000 in C.D.'s earning 1.05% interest for approximately \$1,300 per year. He noted that the total requested for revenue in the budget is \$1,704,476.00. Mr. Jackson told the Council that he has the expenditure side of the budget complete for their review and asked how they felt about meeting on July 26, 2013 to go over it. The Mayor and Council agreed and announced they would meet on July 26, 2013 at 7:00pm.

CITIZEN COMMENTS (3 MINUTE LIMIT PER SPEAKER)

Donald E. Kellam, Jr. said that the Mayor cannot make a Motion to go into Executive Session. He said that it is illegal to call the auditor in the Executive Session for the auditor's report. Mr. Jackson stated that they did not call the auditor in for the auditor's report. He said they called her in for her expertise related to specific budgetary items as they related to the performance of a single individual. Mr. Kellam said that when the auditor came out, he asked her about the auditor's report and she told him that she gave it to the Council and then left.

ADJOURNMENT:

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

Douglas Greer, Mayor

Ethel Parks, Town Clerk

