

TOWN COUNCIL  
MEETING  
SEPTEMBER 9, 2013  
7:00 PM

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

STAFF PRESENT: Zeke Jackson, Ethel Parks, Chief DiMartino, Officer Zieger, 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.

CITIZEN COMMENT (3 MINUTE LIMIT PER SPEAKER, PLEASE SIGN UP):

David Scanlan informed the Council that Mr. Max Gagnon of Concord Wharf donated a wooden caboose to the railroad station a couple of years ago and now has offered to pay to have it moved to Exmore. He noted that it is the last wooden caboose built in America. Councilman Massey asked Mr. Scanlan if there was anything going on with the farmer's museum. Mr. Scanlan said that the farmer's museum is defunct. He said that Mr. Wagner still has a tractor and implements in the building and has been asked to move them. Mr. Scanlan noted that there are windows stored in the building that were purchased for the farmer's museum. He said that maybe they could be used on another storefront or building elsewhere.

Angela Spady addressed the Mayor and Council concerning her water bill. She asked how long has she been over paying for water due to a messed up meter and will she be reimbursed. She said that she is expected to pay for a bill over five years past and the bill was not in her name until November of last year. Mr. Jackson said that he has talked with Ms. Spady about this and Mr. Dukes has been to her house to check the water meter. Mr. Dukes stated that he replaced the meter with a new meter. He said that approximately 48 hours later he checked the reading and it read that approximately 500 gallons of water had run through the meter. Mr. Jackson said that they believe that there may be a transient leak on the other side of the water line. Buster Spady said that he has checked for leaks and there are no leaks. Mayor Greer asked Mr. Jackson and Mr. Dukes to look into this further.

Eileen Kirkwood asked the Mayor and Council if they would be amenable to having large commercial fields over 20 acres cut twice a year. She said that she has been having her lot on Route 13 cut twice a year in the past. Ms. Kirkwood noted that when she and David Scanlan wrote the zoning ordinance, it was intended for residential lots not commercial fields. Mr. Jackson informed the Mayor and Council that Ms. Kirkwood is currently under a notice of violation and recommended that they refer this issue back to the Planning Commission.

NEW BUSINESS:

CONSIDER A RESOLUTION COMMENDING MR. JACKSON:

Councilman Duer read the Resolution commending Mr. Zeke Jackson for the excellent service he provided our town during his tenure as Town Manager. Councilman Metz made the Motion to approve the Resolution. The Motion was seconded by Vice-Mayor Lewis. The Motion was passed by the vote of Councilman Massey-Aye; Councilman Duer-Aye; Councilman Metz-Aye; Vice-Mayor Lewis-Aye; Councilman Doughty-Nay; with Councilman Ward absent.

CONSIDER A RESOLUTION TO DEMOLISH THE OLD CENTER CHEVROLET BUILDING:

Mr. Jackson explained that the Resolution gives the Town Council and the Exmore Fire Department authority to burn the old Center Chevrolet building and cleanup will be done by public works. David Scanlan said that the tractor and implements in the building belong to the Wagner family and the Town can do what they want with the windows.

#### CONSIDER A RESOLUTION ON UTILITY RATES:

Vice-Mayor Lewis made the Motion to approve the Resolution to adopt an Ordinance to increase Utility fees. The Motion was seconded by Councilman Massey. The Motion was passed unanimously.

#### POLICE REPORT:

Chief DiMartino reported that schools are open now and the department monitored the schools to make sure the children were buckled up and all drivers were operating in a safe manner. He noted that we sold the 2002 Crown Vic by sealed bid for \$900. Chief DiMartino said that the Noise Ordinance was very useful. He said that there was a large party on Virginia Avenue and Willis Wharf Road. Chief DiMartino stated that he has sent the Certificate of Insurance and bank papers to the USDA and everything has been approved. He reported that Tara has given her notice of resignation effective September 17<sup>th</sup> and Barry also effective September 22<sup>nd</sup> and both are going to the Sheriff's Office. He said that Barry is staying to help with the yard sale. Chief DiMartino noted that they are issuing summons for parking violations now instead of parking tickets. He said that they have done traffic studies on some of the streets in town and some that are 25 mph speed limits are dangerous at that speed because they are narrow and bumpy. He noted that 15 mph is fast enough for those roads such as Westfield Avenue. Chief DiMartino noted that they have had a lot of complaints of overgrown lots and that most have complied. He stated that most of the calls to assist the County were to assist in town with warrants. Tara was able to obtain several charges from the stabbing on Main Street. Chief DiMartino noted that they continue to have police presence at the Plaza to enforce loitering and have had no complaints from the stores. He said that all the stores have their phone numbers and schedules.

#### PUBLIC WORKS/UTILITIES REPORT:

Taylor Dukes reported that for the month of August we pumped 5,517,600 gallons of water which puts us at 50,131,500 gallons for the year. He said that there is only 10.7 million gallons left on the permit for the year. He estimates that we could use approximately 12,000,000 gallons over our limit for the year. Mr. Dukes reported that they put in a sewer tap for a resident on Occohannock Road. He noted that 75 water/sewer customers were turned off for non-payment on Thursday and that most have paid and have been turned back on. He said that they found out that a few of those homes were vacant. Mr. Dukes informed the Mayor and Council that he has found a supplier of sewer pumps that will sell us the pumps for \$349 each if we purchase 40 (\$14,259.62) which includes shipping and handling. He noted that we currently purchase four at a time at \$500 each. Councilman Doughty asked if Albert still worked at the sewer plant. Mr. Dukes told him that Albert works every day doing the sampling and on weekends he comes in to make sure everything is working properly. Mr. Jackson said that Albert works approximately 34 hours per week. Mr. Dukes talked to the Mayor and Council about looking at a 2008 Dodge Dakota truck for the water/wastewater department to replace the pickup that he is driving. He said they are asking \$9,500 for the truck. After some discussion it was the general consensus of the Council to look over the truck and purchase it if they feel it is worth it.

Mayor Greer mentioned that the August Minutes were not on the agenda and wished to bring them to the attention of the Council for vote. Councilman Duer stated that he found no errors and made the Motion to approve the Minutes for the five meetings of August 2013. The Motion was seconded by Councilman Massey. The Motion was passed unanimously. Councilman Metz commended the Clerk on the Minutes.

Councilman Massey stated that he has had two complaints about the Musso property. David Scanlan noted that there is a piece of heavy equipment that has been sitting on Mr. Musso's property for years and the pile of dirt has been addressed by the Façade Committee and nothing has been done.

#### FINANCIAL REPORT:

Mr. Jackson stated that they are getting reports that are showing actual revenue and expenses versus the budgeted total for the year. He noted that we continue to work on cleaning up accounts to have all expenses and revenue where they belong.

Mr. Jackson stated that, in answer to Councilman Massey's question regarding the purchase of Lloyd Kellam's property, he negotiated with Mr. Kellam as they requested and Mr. Kellam has cancelled the deal and returned the Town's money due to the asbestos found.

David Scanlan asked the Mayor and Council if they would consider amending the agenda to allow the end of the meeting Citizen Comment time to be moved to before the Closed Session. Mayor Greer said that he had no problem with that and allowed Mr. Scanlan to speak.

**CITIZEN COMMENTS (3 MINUTE LIMIT PER SPEAKER):**

David Scanlan asked what caused the problem to make us extend over our permitted water usage and will we face the same problem next year? Mayor Greer stated that it was due to the maintenance and painting of the water tower. He said that we had to keep the water flowing through the lines at a constant rate while the water tower was being cleaned and painted.

Councilman Doughty asked who called the Closed Session. Mayor Greer told him that he asked for a Closed Session.

**ENTRY INTO CLOSED SESSION TO DISCUSS PERFORMANCE OF ONE POLICE OFFICER, DISCUSS EMPLOYMENT AGREEMENT:**

Councilman Duer: "I move that the Council convene in closed session pursuant to Virginia Section §2.2-3711 (A)(1), to discuss employee performance. The Motion was seconded by Vice-Mayor Lewis. The Motion was passed unanimously. The Mayor, Council and Mr. Jackson convened to Closed Session.

**EXIT FROM CLOSED SESSION, VOTE IF NECESSARY:**

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

Councilman Duer made the Motion to authorize Mayor Greer to execute an employment agreement with Mr. Robert Jones pending the appropriate background checks and references. The Motion was seconded by Vice-Mayor Lewis. The Motion was passed unanimously.

Mr. Jackson noted that he is required by the Town Charter to give the Council notice of any employees who have left. He said that we have already heard from Chief DiMartino tonight that two officers are leaving and he informed the Council that Brandon Evans has given notice that he is leaving. The Council wished Mr. Evans well on his new job.

Mr. Jackson noted that the Public Hearing scheduled for October 2, 2013 has been rescheduled for October 7, 2013 at 6:00 pm and the regular meeting to follow at 7:00 pm and the actual rate meeting will be on October 14, 2013 at 7:00 pm.

ADJOURNMENT:

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

---

Douglas Greer, Mayor

---

Ethel Parks, Town Clerk