

TOWN COUNCIL
MEETING
APRIL 7, 2014
7:00 PM

At a regular meeting of the Town Council of the Town of Exmore, Virginia,
held in the Meeting Room of the J. Guy Lawson Municipal Building, 3305 Main Street, Exmore
Virginia, on the 7th day of April, 2014, at 7:00 p.m.

Present:

Mayor Douglas Greer-Present
Vice-Mayor Thomas Lewis-Present
Councilman Charles Ward-Present
Councilman Charles Massey-Absent
Councilman Bradley Doughty-Present
Councilman Bryon Heaster-Present
Councilman John Metz-Present

STAFF PRESENT: Robert Duer, Ethel Parks, Chief DiMartino, Officer Zieger, Officer Marshall,
Taylor Dukes, Sgt. Campbell.

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.

APPROVAL OF MINUTES:

MINUTES OF REGULAR COUNCIL MEETING OF MARCH 3, 2014 AND BUDGET WORK
SESSION OF MARCH 24, 2014:

Councilman Heaster made the Motion to approve the Minutes of the regular Council Meeting of
March 3, 2014 and the Budget Work Session of March 24, 2014. The Motion was seconded by
Vice-Mayor Lewis. The Motion was passed unanimously.

PRESENTATION OF NORTHAMPTON HIGH SCHOOL Jr.ROTC CHECK:

Michael Hobson thanked the Mayor and Council for the donation of \$125.00 on behalf of
Northampton High School and the Jr.ROTC Program. He said that it means a lot and it will help
them to continue to grow.

CITIZEN COMMENT (LIMIT OF 3 MINUTES PER SPEAKER):

David Kabler of Church Neck Road, Machipongo, Virginia spoke to the Mayor and Council in
opposition of Northampton County's proposed zoning changes. He noted that he owns a real estate
office in Cape Charles, was involved with the revitalization of Cape Charles, has served on the
Northampton County Planning Commission and was involved in the Comprehensive Plan in 2009.
Mr. Kabler said that if the County takes away the Town Edge they would be denying the rights of
the Towns and removing the Northampton County Planning Commission from the Special Use
process would deny Towns expert planning advice. He said that our Board of Supervisors is not
trained like the members of the Planning Commission. Mr. Kabler urged the Mayor and Council to
withdraw the ordinance.

Terry Ludlow addressed the Mayor and Council as a homeowner and landlord in Exmore. She said
that she owns a duplex and a house behind the duplex. Mrs. Ludlow noted that she has always paid
for one water charge, one sewer charge and one trash charge for the duplex and now she is being
charged two water, two trash and two sewer charges for the duplex. She said that she has leases
according to the one water, trash and sewer charge and asked them to reconsider the new charges.
George Ludlow noted that there is a second water meter on his a property but it is hooked up to

the house next to his. He said that if the Town is going to charge him for two meters then he feels he should be entitled to have the second meter hooked to his house.

Teresa Adams asked the Mayor and Council if they would consider giving business and property owners who do not live in the Town permission to vote in Town elections. She said that she pays her taxes and does not feel it is fair that she has no legal say or vote on what goes on in the Town. Mrs. Adams said she feels she deserves she has the right to vote in Exmore's Town elections. Mayor Greer stated that the State Board of Elections controlled that, not Exmore. He said that he is very appreciative of their business in Town and they do have a say in what goes on in Town, they just cannot vote in Town elections. Mrs. Adams noted that the Police Department is working very hard and deserves to have some time off. She said that we need more officers so that we can have 24/7 coverage and give the officers that we do have a little well deserved time off. She said that having one officer on duty during the day is one thing but sending only one at night alone is not safe. The County has their own calls to deal with and may not be able to assist if our officer needs them. Vice-Mayor Lewis stated that the Sheriff's Office and the State Police are our only back-up and our officers have chosen to do this job. He commended our officers, stating that they each one do an outstanding job for Exmore. Mrs. Adams asked how about the amount of the check that was donated to the Jr. ROTC program. Mr. Duer told her it was in the amount of \$125.00. She said that she has asked for years for a donation to the Relay for Life/American Cancer Society and has not received anything yet and she will ask again this year.

JAY FORD – VIRGINIA EASTERN SHOREKEEPERS:

Mr. Ford noted that the Virginia Eastern Shorekeepers' mission is to "Protect and Preserve the Tidal Waters of Virginia's Eastern Shore". He said that they can help out with storm water and septic problems as well as offer legal advice and planning consultant services. Mr. Ford said that they understand the Eastern Shore's needs and have big concerns with the water quality.

GEBCA:

Ken Dufty announced that he is no longer President of GEBCA. He said that the County's new zoning ordinance has been taking all of his time. He noted that the Bean Shed Gallery opening was a success, the 360 Art Gallery is doing very well, there is a scrapbooking company opening just north of the Yellow Duck and New Ravenna is remodeling the old theater to turn it into a world class showroom. There will be a yard sale in May at the railroad tracks and there is a Yard Sale Committee meeting Wednesday night at the Bean Shed Gallery and is open to anyone who is interested in attending. He said the Town wide yard sale is scheduled for September.

NORTHAMPTON COUNTY PLANNING ZONING – KEN DUFTY:

Mr. Dufty reported that Northampton County's 2009 Comprehensive Plan focused on promoting agriculture and tourism, preserving natural and historic resources, promoting and protecting aquaculture, as well as protect our groundwater by limiting the growth along Route 13. They wanted to protect the seaside marshes, wetlands, Barrier Islands, coastal and shellfish areas and the bird habitats. Mr. Dufty said that between 2011 and 2013, Northampton County Board of Supervisors have rewritten the zoning ordinances without the publics knowledge until two weeks before the public hearing. He said that losing the Town Edge District would ultimately hurt each of the Town's. Mr. Dufty urged everyone in attendance to ask the Board of Supervisors to reinstate the Town Edge Districts.

TOWN MANAGER REPORT – ROBERT G. DUER:

Mr. Duer reported that we have two job openings. Taylor and Ethel have interviewed the candidates and we hope to have them filled within the next week.

An engineering firm has been hired at a cost of \$8,000 to complete the drawings for the plans of the roof. We can then bid the roof out.

The Town now has Broadband services.

New Ravenna has been selected to represent Ford Motor Company and AOL in their "This Built America" campaign. Film crews will be in town in the first part of June to film a segment.

The new playground equipment arrived today.

Another large piece of pipe has been found at the old Center Chevrolet property.

Taylor just recently completed Planning Commissioner training in Richmond.

Two of our officers have finished a week of recertification.

Virginia Municipal League will be here April 10 for OSHA training.

Mr. Duer noted that we have only three applicants for the Board of Zoning Appeals and have spoken to two others tonight.

Mr. Duer stated that the 2015 Budget is complete and recommended that they meet on April 21 for a final work session, then hold a Public Hearing on the Budget on May 5.

FINANCIAL REPORT – ROBERT G. DUER:

Mr. Duer reported that the cash balance at the end of the month was \$480,283 with the CD's remaining unchanged. He noted that total cash in the bank at the end of the month was \$901,500, total liabilities are \$953,965 and total assets are \$3,320,500. Mr. Duer explained that the current Real Estate taxes are stagnant because after the due date they become delinquent. Total income year-to-date is \$1,574,000 and total expense year-to-date is \$1,209,500 for a year-to-date net income of \$364,500.

Mr. Duer stated that we are \$188,765 above budget for the year with revenue. He explained that the Public Works Building Maintenance breaks down to spend \$6,000 on a fence at the Wastewater Plant, \$10,000 on doors at the Quonset Hut, \$15,000 for paint on the Quonset Hut, and an office in the Hut for \$5,000-\$6,000. Public Works' salaries are within budget.

Mr. Duer explained that the Vehicle Lease/Purchase account in the Police Department is not actually 514% over budget. There was an intake and outlay of funds and it was not budgeted for in the beginning. Police salaries are within budget.

Mr. Duer noted that there is money in the Administration Repairs and Maintenance for the roof and we may not have to borrow as much as first thought to replace it. Administration salaries are within budget and Wastewater salaries are within budget.

Mr. Duer said that Water Repairs and Supplies are over budget due to the major water main breaks. Water salaries are within tolerance. He noted that Sanitation salaries are under budget and the only variance is liability insurance and that was a miss on the budget.

Mr. Duer conveyed that the Police Department's revenue for the year-to-date is \$410,000 and their expense was \$370,000, therefore not costing the taxpayers anything.

OLD BUSINESS:

BUDGET UPDATE:

Mr. Duer said that he increased the Business Licenses to \$112,000. He has budgeted \$60,533 in the Public Works Playground which includes toilets and a green space or building a stage with a green space and maybe fixing the grounds and planting grass seed. He added that he put in drapes for the lobby in the amount of \$6,000 and \$18,000 for the Comp Plan. Mr. Duer said that \$21,000 has been added in the Water Department for the software for the automatic meter reader and \$32,000 for 160 water meters. He noted that this is a five year project. After adding the sixth officer, the bathroom, the Hut, the fence at the Wastewater Plant and Wastewater Plant Operator there is a surplus of \$27,773.

NEW BUSINESS:

Mr. Duer presented the Resolution Opposing Elimination of Town Edge District to the Mayor and Council for adoption. Mayor Greer informed all in attendance that Larry Trala is Exmore's representative on the Northampton County Board of Supervisors and they should contact him and voice their concerns about the new zoning ordinance and having the Town Edge District reinstated. Vice-Mayor Lewis made the Motion to adopt the Resolution Opposing Elimination of Town Edge Districts in the Proposed 2014 Zoning Amendments Under Construction by the Northampton County Board of Supervisors. The Motion was seconded by Councilman Ward. The Motion was passed unanimously.

FINANCING THE ROOF FOR TOWN HALL:

Mr. Duer commented that we have the funds to pay for the roof but does not feel that we need to spend down our coffers. He said he is talking to the banks about borrowing against the building or the CD's. It will cost between \$90,000 and \$100,000 because of the asbestos but does not have a firm cost yet. He noted that he has budgeted \$1,500 per month for payments on a loan for the roof.

RENEWAL OF TRAFFIC ORDINANCE:

Mr. Duer explained that it is time to renew our traffic ordinance as we do annually. Vice-Mayor Lewis made the Motion to approve Ordinance No. 203, an Ordinance to Amend and Re-enact Ordinance No. 112, "An Ordinance Providing For The Regulation Of Traffic and Motor Vehicles In The Town of Exmore." The Motion was seconded by Councilman Metz. The Motion was passed unanimously.

COMPREHENSIVE PLAN BY ANPDC:

Mr. Duer stated that the ANPDC has the lowest cost so far to help with the Comprehensive Plan at \$9,245 plus some legal and advertising costs. Vice-Mayor Lewis made the Motion to have the ANPDC help develop Exmore's Comprehensive Plan. The Motion was seconded by Councilman Ward. The Motion was passed unanimously.

CONTRACTING WITH PROPERTY MAINTENANCE SOLUTIONS:

Mr. Duer noted that \$3,650 for the year has been budgeted, beginning in July, for Property Maintenance Solutions of Exmore to spray the bases of the Crepe Myrtles and the sidewalks but he would like to begin spraying now. Mr. Duer stated that he is licensed to spray. He explained that this will save the Town from hiring a part time employee. Councilman Metz made the Motion to authorize Mr. Duer to sign the contract with Property Maintenance Solutions. The Motion was seconded by Vice-Mayor Lewis. The Motion was passed unanimously.

POLICE REPORT – CHIEF DIMARTINO:

Chief DiMartino reported that the department is doing well. Their performance goals are being met and exceeded in most areas. The projected fines are \$288,000 and they are at \$281,000 with three months left. He said that Officer Marshall will be leaving for the Police Academy on April 28 but will have to attend approximately one-third of the classes because he attended the Jail Academy several years ago. Officer Marshall will be taking turns driving with a Cape Charles officer to save on gas and tolls. He noted that the new cars are now marked and his is complete. Lights and radios are being installed in the other two. Chief DiMartino stated that they have made several arrests from traffic stops including five marijuana arrests last month and several wanted people. He commended Officer Marshall for his traffic stops and arrests. The Sage Restaurant has been working well with the Police Department to keep the unruly crowds under control. Dollar General still has a shoplifting problem but is working closely with the department to get it under control.

PLANNING COMMISSION REPORT – MR. DUKES

Mr. Dukes informed the Mayor and Council that he recently completed Planning Training. He said it was very informative and he is looking forward to helping to guide the Town and helping with the Comprehensive Plan. Mr. Dukes stated that there is still a need for two additional members on the Board of Zoning Appeals. He noted that there are two new buildings that have met zoning requirements. One will be a new business and the other will be additional space for a business.

UTILITY REPORT – MR. DUKES

Mr. Dukes reported that residents used 5,200,000 gallons of water last month. At that rate we will be at 60,800,000 gallons for the year. He projects that with summer coming and residents filling pools and watering gardens, etc, we will most likely go over our permitted amount again this year. Mr. Dukes said that he and Mr. Duer have met with Draper Aden and they are attempting to apply for an additional 15 million gallons on the new permit. Councilman Ward stated that funds are in the budget for the new wells. Mr. Dukes said that we received a Notice of Violation from the DEQ for pumping over our permitted amount and Draper Aden is helping us address it.

PUBLIC WORKS REPORT – MR. DUKES

Mr. Duer said that the Public Works Department has been busy cleaning up the Town, mulching and mowing. He commended them, saying they do a good job.

CLOSED SESSION: PERSONNEL MATTERS:

Councilman Heaster: "I move that the Council convene in closed session pursuant to Virginia Section §2.2-3711 (A)(1), to discuss personnel matters." The Motion was seconded by Vice-Mayor Lewis. The Motion was passed unanimously. The Mayor, Council, Mr. Duer, Mrs. Parks, Chief DiMartino and Mr. Dukes convened to Closed Session.

CERTIFICATION OF CLOSED SESSION:

Councilman Heaster 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 Vice-Mayor Lewis and was approved by the roll call vote as follows:

Councilman Ward-Aye, Councilman Doughty-Aye; Councilman Metz-Aye; Councilman Heaster-Aye: Vice-Mayor Lewis-Aye.

CITIZEN COMMENTS (LIMIT OF 3 MINUTES PER SPEAKER):

David Scanlan thanked the Town Council for hearing the public and thanked Dave Kabler, Mr. Ford and Ken Dufty for speaking about the Town Edge District. He said the Town Edge District is important. The changes in the County's new zoning ordinances do not match the Comp Plan. He said that he was part of the Comp Plan when it was being developed and they listened to the people and what they wanted. He commended Taylor for completing the Planning and Zoning Training class and urged the Mayor, Council members and members of the Planning Commission to attend the class as well.

Donald E. Kellam, Jr. said he has noticed the use of the sprinklers at the playground and the triangle. He said that stopping that would cut down on water usage.

Doris Whitley noted that she had problems with her water being orange until the hydrants were completely flushed. She voiced her concern over only one employee managing all the hydrant flushing. Mayor Greer and Mr. Duer assured her that we are in the process of hiring an additional employee in Public Works to help.

David Scanlan asked the Mayor to send a letter with a copy of the Resolution Opposing Elimination of Town Edge District to other incorporated Towns on the Shore.

Mayor Greer thanked the citizens for coming out for tonight's meeting and for their input.

SCHEDULED MEETINGS:

FINAL BUDGET MEETING – APRIL 21, 2014 @ 7:00pm

PUBLIC HEARING ON BUDGET – MAY 5, 2014 @6:00pm

REGULAR TOWN COUNCIL MEETING – MAY 5, 2014 @ 7:00pm

ADJOURNMENT:

Councilman Metz made the Motion to adjourn. The Motion was seconded by Councilman Ward. The Motion was passed unanimously.

Douglas Greer, Mayor

Ethel Parks, Town Clerk

