

TOWN COUNCIL  
MEETING  
FEBRUARY 3, 2014  
7:00 PM

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

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

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 JANUARY 6, 2014 AND SPECIAL COUNCIL MEETING OF JANUARY 16, 2014:

Councilman Heaster made the Motion to approve the Minutes of January 6 and January 16, 2014. The Motion was seconded by Councilman Ward. The Motion was passed with all in favor and Councilman Massey abstaining due to his absence from those meetings.

CITIZEN COMMENT (LIMIT OF 3 MINUTES PER SPEAKER):

Michael Hobson spoke to the Mayor and Council about the Junior ROTC program at Northampton High School. He stated that he is a retired Lt. Colonel and the Senior Army Instructor of the Junior ROTC program at the high school. He noted that in the past the program was funded half by the school and half by the government but now it is funded strictly by the school. The Junior ROTC program is an elective and counts toward one credit for the students. They currently have 50-55 students enrolled in the program at the high school. They appear in parades, attend Military Balls, Color Guard events and participate in other activities and funding has become an issue. He is asking the Mayor and Council for help with funding so they can continue with the program.

G.W. Adkins thanked the Public Works department for the late hours and hard work getting the broken water mains fixed. He noted that the Farmer's Market was tried years ago in Exmore but never made it. He said that he would like to see if there is enough interest to try it again. He noted that it would help local growers as well as farmers. Councilman Ward said that it would also help the local waterman. Mr. Adkins said that it is a win-win situation for the people of Exmore, the farmers, growers and watermen and the businesses in town.

Ken Dufty agreed with Mr. Adkins on the Farmer's Market. He commended the Public Works department for their hard work in the weather conditions. He reported that A-Z Furniture has had a change of personnel and undergone a transformation. He said that it is clean and well lit with new show cases. Mr. Dufty said that the 360 Gallery soon wants to involve students. The Flea Market is filled to capacity. The Bean Shed Gallery will open in the yellow building on Front Street this month. Well Played is always packed and doing well. Mark Sinclair has put a new roof on the old People's Trust Bank building as well as new ceilings and is in the process of renovating the marble floor. Mr. Dufty said that the Business and Community Association would like to see signs on Route 13 directing people into Exmore. He spoke highly of Mr. Duer saying it is a pleasure working with him as a Town Manager. Councilman Massey thanked Mr. Dufty and the Association for working with the Town.

TOWN MANAGER REPORT – ROBERT G.DUER:

Mr. Duer reported that our new garbage truck was delivered today and should in use tomorrow. There was one new business license issued during the month and that was to 706 Beauty Salon located near Fresh Pride. The contract with Draper Aden for the new wells has been signed. Mr. Duer noted that the Broadband contract is still with our attorney. He has met with representatives of Wastewatchers, and is in the process of trying to get a recycling center in town. Southern Software will be here to train staff on our utility billing on February 18-19. The June 30, 2011 audit is here. Last week was a disastrous week with two 8" water main breaks. Mr. Duer noted that our ability to respond to these emergencies was weak due to no written policies on how to respond, the lack of necessary equipment and manpower limitations. A major leak takes six men; two flaggers, two in the hole, one on the equipment and one observing. On any given good day all we have is six men. Last week the mud was freezing on the shovel. Bundick Well & Pump came in to help. Mr. Duer said that there is a small chance that we could be granted some disaster funds to offset some of our expense. He said that we have already sent our estimate to the County. He stated that for public knowledge, we hit a Verizon cable which put the FBI and approximately 30 businesses out of business.

Mr. Duer informed the Mayor and Council that the Kellam's have been so generous as to donate a piece of land to the Town. It is located on the highway, on the corner of Occohannock Road and Route 13, where our officers sit with the laser radar. He said that the Mayor agrees that they should accept the piece of property. David Rowan will need a Resolution authorizing him to act on the Town Council's behalf to accept the property. Vice-Mayor Lewis made the Motion to adopt a Resolution allowing David Rowan to act on the Council's behalf. The Motion as was seconded by Councilman Massey. The Motion was passed unanimously.

Mr. Duer noted that the Town Office will be closed on February 17<sup>th</sup> for President's Day. He asked the Council's permission to close the office on the 18<sup>th</sup> as well to allow the software company to come in for training so we can give them our undivided attention. The Mayor and Council agreed.

#### NEW BUSINESS:

##### BAD DEBT WRITE-OFFS AND ACCOUNT ADJUSTMENTS:

Mr. Duer explained that there is \$1919 in bad debt in the water accounts. He said that some have moved with no forwarding address or they are just uncollectable. The accounts would remain on file in case these people move back in the future. He asked the Council's permission to write off the bad debts and make account adjustments. Councilman Metz made the Motion to write off the bad debts and make the necessary account adjustments. The Motion was seconded by Councilman Ward. The Motion was passed by a majority vote with Councilman Heaster voting against the Motion.

##### ADOPT SHALLOW WELL PERMIT:

Mr. Duer noted that the Shallow Well Ordinance was passed at the last meeting and we need a permit as well. This one is thorough and is will cost the applicant a one-time fee of \$100. Vice-Mayor Lewis made the Motion to adopt the Shallow Well Permit. The Motion was seconded by Councilman Heaster. The Motion was passed unanimously.

##### RESOLUTION TO ADOPT EMPLOYEE MANUAL DATED FEBRUARY 3, 2014:

Mr. Duer presented the draft Employee Manual. He noted there are a few changes and once edited it will be cleaned up before being distributed. He said that he traded Good Friday for Martin Luther King Day and changes to the vacation time include 0-1 years is 1 week, 2-9 years is 2 weeks, 5-14 years is 3 weeks and 15 and above is 4 weeks and vacation and sick leave have been capped at 200 hours. Mr. Duer stated that the employee manual has to be updated every year. Councilman Heaster made the Motion to adopt the Resolution to adopt the employee manual with the revised changes. The Motion was seconded by Councilman Metz. The Motion was passed unanimously.

##### RESOLUTION TO ADOPT PURCHASING POLICY:

Mr. Duer noted that our auditor has cited us for the lack of a procurement policy and an associated manual. He said that this is a standard policy comes from a neighboring town. It states that the Town Manager can spend up to \$50,000 without the Council's approval. He said that the Council can lower the limit if they so choose and reminded the Council that we are now on a bi-weekly payroll that can go up close to \$25,000. Councilman Massey made the Motion to adopt the Resolution to establish a purchasing policy. The Motion was seconded by Councilman Ward. The Motion was passed unanimously.

**RESCIND RESOLUTION FOR THE ADOPTION OF A UNIFORM PAY INCENTIVE PROGRAM BY THE EXMORE TOWN COUNCIL:**

Mr. Duer noted, from a managers stand point, that the \$25 Sanitation Bonus, \$35 Meter Reading Bonus and the Departmental Cost Savings that was put in place in the Uniform Pay Incentive Program is hard to manage and is a disaster waiting to happen. We should not have to give an employee a bonus every week or every month for doing their job and if we save money the first three quarters for a bonus we could over spend the last quarter. He said he has raised the sanitation workers salaries to compensate for the bonus. Vice-Mayor Lewis made the Motion to rescind the Resolution for the Adoption of Uniform Pay Incentive Program. The Motion was seconded by Councilman Ward. The Motion was passed unanimously.

**PLANNING COMMISSION APPOINTMENTS:**

Mr. Duer stated that the nominations for the Exmore Planning Commission are Gordon W. Adkins, Karla S. Clark, Dixie W. Greer, Donald P. Kellam, Sr., Sandra K. Savage, Perry O. Whitley, Jr. and Ruth Wise and Taylor Dukes as our Zoning Administrator. Councilman Massey made the Motion to accept the nominations for the Planning Commission. The Motion was seconded by Councilman Metz. The Motion was passed unanimously.

**FINANCIAL REPORT – ROBERT G. DUER:**

Mr. Duer reported that as of January 31, our bank balance was \$509,628, CD's remain unchanged at \$388,206 which gave us a total of \$897,834. He said that we have collected approximately 79% of our real estate and personal property taxes. He noted that the \$44,000 loss that is showing is due to the \$30,000 spent for trash cans and \$25,000 that was transferred to BB&T for payroll. Real Estate taxes are down because properties were reassessed. Police fines are down a little. Water income is approximately \$20,000 more than last year. Trash sales are up. He said that the accounting is getting done and we are collecting the funds. Mr. Duer commended Kathy and Taylor for disconnecting service when people do not pay their bills. He said without that money we cannot operate. Mr. Duer noted that the salaries in all departments are where they should be. Water repairs are over budget but water breaks are very expensive. Public Works is doing a good job and has cost the general fund only \$35,000.

**POLICE REPORT – CHIEF DIMARTINO:**

Chief DiMartino commended his officers, stating that they have been working hard. They spotted the water leak on Main Street last week and notified Public Works. Fines are down due to turnover but they will pick up. He reported that the TREDs Crash Results shows 4 accidents during the first quarter (10/12-12/12) of last year with seven officers and the number of accidents increased to 9 in the first quarter (10/13-12/13) this year with only five officers. He noted that the Safety Enforcement Program was in effect last year and visibility plays a big role in keeping accidents and crime down. There are 399 tickets less this year than last year due to fewer officers. The Neighborhood Watch/Business Watch is working, The subject that was exposing himself in different businesses has been arrested. A citizen observed a shoplifter in Dollar General and called for police. The citizen gave a good description which aided them in making an arrest. Chief DiMartino reported that several officers have been targeting unlicensed motor vehicles. The owners have 30 days to remove the vehicle, tag it or purchase an unlicensed decal for it. If they do not comply, they will be issued a summons. Several summonses have been issued for dogs running at large. He noted that one of the new police cars are in and still waiting on the other two.

**PUBLIC WORKS REPORT – MICHAEL JOHNSON:**

Mr. Johnson reported that January was tough with the water main breaks but they made through and learned some things as well. They are picking up 19,000-22,000 pounds of trash every week and still pick up brush, limbs and furniture each month. He noted that they read 720 water meters and had several emergency meter cut-offs due to frozen and busted water pipes in homes. The Mayor and Council commended him and the Public Works Department for their hard work and working under freezing conditions to keep water going for the citizens.

**UTILITIES REPORT – TAYLOR DUKES:**

Mr. Dukes reported that as of February 1, we have pumped 5,500,000 gallons of water. He said that the Shallow Well Ordinance and Permit will help if people use the wells to water their lawns and

gardens. He noted that they have installed one new water tap and one new sewer tap. There is a class dealing with the uses of chemicals and chlorine on February 19<sup>th</sup> that he and Walt will be attending.

**CLOSED SESSION: PERSONNEL MATTERS:**

Councilman Metz: "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 and Mr. Duer convened to Closed Session.

**CERTIFICATION OF CLOSED SESSION:**

Vice-Mayor 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 Massey and was approved by the roll call vote as follows:

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

**CITIZEN COMMENTS (LIMIT OF 3 MINUTES PER SPEAKER):**

Ron West thanked Chief DiMartino and Sgt. Zieger for helping him with fingerprinting issues before the meeting.

Donald E. Kellam, Jr. noted that there is discoloration in the water since the major water leaks. Mr. Dukes said that they will be flushing the lines as soon as things settle down a little.

Dixie Greer asked the Council to consider supporting the ROTC program at the high school.

**SCHEDULED MEETINGS:**

REGULAR TOWN COUNCIL MEETING – MARCH 3, 2014 7:00pm

TOWN OFFICE CLOSED – FEBRUARY 17-18, 2014

**ADJOURNMENT:**

Councilman Massey made the Motion to adjourn. The Motion was seconded by Vice-Mayor Lewis. The Motion was passed unanimously.

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Douglas Greer, Mayor

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Ethel Parks, Town Clerk