

TOWN COUNCIL
MEETING
MAY 5, 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 5th day of May, 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, Sgt. Zieger, Sgt. Campbell, 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.

APPROVAL OF MINUTES:

MINUTES OF REGULAR COUNCIL MEETING OF APRIL 7, 2014 AND BUDGET WORK SESSION OF APRIL 21, 2014:

Councilman Metz made the Motion to approve the Minutes of the regular Council Meeting of April 7, 2014 and the Budget Work Session of April 21, 2014. The Motion was seconded by Councilman Ward. The Motion was passed unanimously.

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, Mr. Duer, Mrs. Parks, Chief DiMartino and Mr. Dukes 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 Heaster and was approved by the roll call vote as follows:

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

CITIZEN COMMENT (LIMIT OF 3 MINUTES PER SPEAKER):

Lois Spotten thanked everyone who participated in the clean-up day for their support. She said it was a very successful day. She suggested that they use the \$125 donation to help fund the Street Hockey.

TOWN MANAGER REPORT – ROBERT G. DUER:

Mr. Duer reported that we have two new hires; one in Wastewater and one in Public Works. He noted that Earth Day was a success and they collected 45 bags of trash. He recommended that they use the \$125 to buy more vests because they ran out of vests at this event.

Mr. Duer mentioned that there is a good possibility that we may have three new buildings going up in Town within the next six or seven months, with one being built now.

Mr. Duer stated that the USDA has approved our grant / loan for the tractor and two mowers. Peggy Jordan will be here next week to sign the paperwork. Mr. Duer noted that he and Taylor will be meeting with the USDA and engineers in regard to the Wastewater Plant. He said that Taylor will explain during New Business. The fence has been put up at the Wastewater Plant, the pedestrian door has been installed at the Hut and we have started on the office inside the Hut.

Mr. Duer stated that the water bills are now going out of the new software. Letters are going out to homeowners with yards that are overgrown with grass and weeds. Mr. Duer informed the Mayor and Council that we received a check today from the Friends of the Railroad in the amount of \$342 for the fall Yard Sale. He suggested that we designate the money for maybe a sign on the Kellam property.

FINANCIAL REPORT – ROBERT G. DUER:

Mr. Duer reported that the Water income is low due to the fact that we are changing software and bills were late going out. The Public Works Playground expense is from the equipment purchase. We will get it installed once the weather cooperates. He noted that we ended the month with \$503,000 in the bank with our CD's. Police Fines are at \$309,503 and are budgeted at \$288,800. There are a few budget misses such as Small Engine Repairs, with a budget of \$2,000 and already have spent \$3,511. We are spending the \$25,000 from Public Works Building Maintenance on the fence, and the Quonset Hut repairs. Heavy Equipment fuel is at \$1,550 and was only budgeted for \$500. We are under budget on Public Works salaries. The Police Department is right on budget with salaries and Administration is under budget with salaries. Wastewater is over budget on utilities and under budget with salaries. Street repairs and supplies in the water department are over budget and salaries are right on budget. Sanitation Vehicle Repairs is over budget due to the repairs on the trash truck and the salaries are under budget. Mr. Duer reported that we have a gross profit of \$1,690,000 with expenses of \$1,325,000, which gives us a year-to-date net income of \$365,000.

Mayor Greer acknowledged Mr. Duer for everything he has done for the Town.

OLD BUSINESS:

TOWN HALL ROOF:

Mr. Duer noted that the engineering is complete but the County made us do another asbestos test on the roof and that is complete. We have been approved through one bank for a loan on the for the roof. Taylor Dukes stated that he has obtained the necessary permits to begin work on the roof and is waiting for the contractor proposals.

COMPREHENSIVE PLAN WITH ANPDC:

Mr. Duer informed the Mayor and Council that he has signed the contract with the ANPDC, and is waiting to hear from them to move forward with the Comp Plan.

KELLAM PROPERTY:

Mr. Duer said that our attorney has the deed for the Kellam property so it is now our property.

BZA:

Mr. Duer stated that our attorney has submitted names for the Board of Zoning Appeals to the Judge and he is hopeful that they can be sworn in at the June Council meeting.

NEW BUSINESS:

VIRGINIA RETIREMENT SYSTEM CONTRIBUTION RATE RESOLUTION:

Mr. Duer explained to the Mayor and Council that we need to renew our contribution rate with VRS. Vice-Mayor Lewis made the Motion to accept the Resolution with the certified rate of 5.06%. The Motion was seconded by Councilman Ward. The Motion was passed unanimously.

AMEND NEW HIRE PROBATIONARY PERIOD FROM 90 DAYS TO 30 DAYS:

Mr. Duer asked the Mayor and Council to consider amending the new hire probationary period from 90 days to 30 days for benefits. He noted that they could still be on a probationary period but offer health and retirement benefits at 30 days instead of 90 days. It was the general consensus of the Council to keep the 90 day probationary period but offer health insurance and retirement the first of the month after the date of hire. Mr. Duer said he would amend the personnel policy and bring it back to the Council next month.

CHICKENS IN TOWN:

Mr. Dukes stated that the Council approved the Zoning Ordinance in 2003 stating that no livestock or fowl of any kind was allowed in residential areas. He said prior to that ordinance, 20 years ago, fowl was allowed. Mr. Dukes noted that there have been two cases in which fowl have been in residential areas. One has removed the fowl and the other has not. They have thirty days in which to appeal and once they pay for the appeal it goes to the BZA and the BZA will decide whether they can keep the fowl or not. If they do not appeal on the thirtieth day he will send them a letter giving them a ten day extension to get rid of the fowl. If it is not removed, then it will be handled in court. After brief discussion, Mr. Duer told the Mayor and Council that he would draft an ordinance and bring it back to the Council next month.

Mr. Duer noted that he would like to enroll in the DMV Stop program. He explained that the program will help in the collection of delinquent personal property taxes and utility bills. He said that the cost is \$65 per employee to enroll. If anyone owes personal property tax or utility bill to the Town they can not renew their license until the tax or utility bill is paid. Mr. Duer asked the Mayor and Council if they wanted him to move forward with the utility bill collection as well as personal property taxes. He suggested that we try just the personal property tax first. The Council agreed.

Mr. Duer informed the Mayor and Council that Sara Baldwin will soon be restoring the old Cameo Theater. He said that she will be applying for federal funds to help with the restoration but needs a portion of Exmore to be a Historical District. He said it would be of some cost to the Town to do this but would preserve Exmore's charm. Mr. Duer asked the Mayor and Council for authorization to move forward with this. He said he would look into further and report back to them.

Mr. Duer stated that he would like to offer our benefits to employees on a pre-tax level. He said that AFLAC will administer the service for us at no cost to the employees or the Town. The Council gave Mr. Duer authorization to meet with a representative from AFLAC.

WASTEWATER PLANT:

Mr. Dukes noted that after having repaired and painted the rusted areas at the Wastewater Plant last year, the deterioration has come back and it is worse in some areas. He said that the steel is separating in some places. Mr. Dukes spoke to Mike Larson from Draper Aden last week and he is hopeful that USDA-RD will view this as an emergency or a disaster and give us funding to build a new plant. He said the plant we have now is suppose to be a 30-year plant but we will be lucky if we get 15 years with it. The new plant that Mr. Larson is proposing is made of a plastic composite material and has a 75 - 100 year life span. Mr. Dukes said that they would also look at expanding the sewer lines throughout town to take on more customers.

Mr. Duer asked the Mayor and Council if May 12th is a good date for them to meet to pass the budget. The Mayor and Council agreed. Mr. Duer stated that the mini excavator is in the budget and

they really need it to get some ditches cleaned out. He said that he would like to give Taylor permission to get three bids for the excavator, get it here and in use. We do not have to pay for it July 1st. Councilman Metz made the Motion to purchase the excavator. The Motion was seconded by Councilman Ward. The Motion was passed unanimously.

POLICE REPORT – CHIEF DIMARTINO:

Chief DiMartino reported that loitering has become a problem after dark at the Park in New Road. He said that Mr. Duer suggested that he talk to Ruth Wise and advise her that the Town will purchase “Posted - No Trespassing From Dusk Til Dawn” signs as they did for the Town Park. He said that Ms. Wise agreed with the signs. That should help cut down on the crowds in the area as well. Chief DiMartino reported that the robbery victim at Exmore Village II is at home recovering. He explained that the victim was beaten until he was unconscious then robbed of coins and alcohol. All three subjects have been arrested, charged and are being detained. Chief DiMartino commended his officers, saying they do not have any serious crimes that go unsolved. He said they also receive tips from citizens. The report from the DMV Grant is in and accidents are up from last year. They reported four accidents last year in the 2nd quarter and six this year in the 2nd quarter. He noted that police visibility is not as high as it was last year and people are not paying attention at the traffic lights. Chief DiMartino stated that we are in the 3rd quarter of the grant and now is when the Click it or Ticket portion of the grant comes into effect which means more checking details. He said that the fines were \$20,000 above what was projected to be brought in this year. He explained that the “Assist County” and “County Assistance” calls were how many times they assisted the County on calls and how many times the County assisted us on calls. He noted that they work very closely with the County and with David Eder. They always help each other. Chief DiMartino said that Taylor has renewed the permit with VDOT to cut the medians and they will be assisting Public Works by following them with their blue lights to help make traffic aware of the guys cutting grass. Mayor Greer Told Chief DiMartino that they appreciate all the department does.

PLANNING COMMISSION REPORT – MR. DUKES

Mr. Dukes reported that he has been assisting a citizen who is interested in purchasing a lot in town to build an art studio. He has been studying for his zoning exam and reviewing information for the Comp Plan. Mr. Dukes noted that he will follow up on complaints from residents on overgrown yards.

UTILITY AND PUBLIC WORKS REPORT – MR. DUKES

Mr. Dukes stated that we pumped five million gallons of water last month which will put us over our permitted amount again this year if we continue to pump this amount every month. Virginia Rural Water Association will be here next month to perform a leak detection test. Exmore will host a Water Operator’s school on June 25. They installed two new sewer taps last week. Mr. Dukes noted that one of the new hires, George Duer, is working as a wastewater operator and is working out very well. He said that the second new hire, Danny Mawhinney, is a great asset to the Town, he is a good carpenter and has begun building Mike’s office in the Hut. Public Works has been cutting grass and edging. Mr. Ward has sprayed throughout Town. Mr. Dukes said that he is looking forward to good weather to get the new playground equipment up.

CITIZEN COMMENTS (LIMIT OF 3 MINUTES PER SPEAKER):

Donald E. Kellam, Jr. noted that he was on the committee years ago that helped design the downtown sewer and the system that the committee helped design is not the system that they installed and are using.

SCHEDULED MEETINGS:

NEIGHBORHOOD WATCH – THURSDAY, MAY 8, 2014 @ 6:30pm

BUDGET APPROVAL MEETING – MONDAY, MAY 12, 2014 @ 7:00pm

REGULAR TOWN COUNCIL MEETING – JUNE 2, 2014 @ 7:00pm

ADJOURNMENT:

Vice-Mayor Lewis made the Motion to adjourn. The Motion was seconded by Councilman Metz.
The Motion was passed unanimously and the meeting was adjourned

Douglas Greer, Mayor

Ethel Parks, Town Clerk