

TOWN COUNCIL  
MEETING  
OCTOBER 6, 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 6<sup>th</sup> day of October, 2014, at 7:00 p.m.

Present:

Mayor Douglas Greer-Present  
Vice-Mayor Thomas Lewis-Present  
Councilman G. W. Adkins-Present  
Councilman Bradley Doughty-Present  
Councilman Bryon Heaster-Present  
Councilman John Metz-Present  
Councilman Chase Sturgis-Present

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

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 –REGULAR COUNCIL MEETING – SEPTEMBER 8, 2014:

Councilman Heaster made the Motion to approve the Minutes of the regular meeting of September 8, 2014 as presented. The Motion was seconded by Vice-Mayor Lewis. The Motion was passed by the vote of Councilmen Adkins, Doughty, Heaster, and Vice-Mayor Lewis all in favor. Councilman Metz stated that he was absent for the September 8<sup>th</sup> meeting and therefore abstained from voting and Councilman Sturgis abstained also as he had not been appointed to the Town Council or sworn in as Councilman for the September 8<sup>th</sup> meeting.

JOINT PUBLIC HEARING – SEPTEMBER 24, 2014 - Councilman Adkins made the Motion to accept the Minutes of the Joint Public Hearing of September 24, 2014. The Motion was seconded by Councilman Metz. The Motion was passed unanimously.

CITIZEN COMMENT (LIMIT OF 3 MINUTES PER SPEAKER):

Brenda Bailey thanked the Police Department and Public Works Department for doing a wonderful job.

OPENING BIDS FOR THE SALE OF TOWN PROPERTY:

Mr. Duer informed the Mayor and Council that there are no bids.

TOWN MANAGER REPORT – ROBERT G. DUER:

Mr. Duer noted that Officer Bell resigned from his position as Police Officer and has joined Northampton County Sheriff's Office. Mr. Duer said that he, Chief DiMartino and Sgt. Zieger have interviewed some candidates for the position.

Mr. Duer commented on Mr. West's article, saying that he does not feel that Mr. Dukes has too many duties. Mr. Duer explained that his ultimate goal is to have one of the supervisors take his position when his tenure is over and therefore he is merely having them take on more administrative responsibilities.

Mr. Duer reported that the fire hydrants are being painted, there was only one incident reported during the Town-Wide Yard Sale and Draper Aden has completed the Waterworks Business Plan as required by VDH. Water cut-offs will commence tomorrow with 18-20 accounts being turned off for non-payment. There are 20 accounts that will be turned over to our attorney for collection due to the occupants having moved out of town. The Rotary Oyster Roast has been rescheduled to November 14. Southern Software has completed their training with the tax software and we are waiting on the tax files from the County to move forward with the conversion of the files then billing. There is a chance our taxes will go out late because the County is running behind. Mrs. Parks will be attending a training on Record Retention in Chincoteague at the end of the month. We are looking into a building approximately 24' x 40', with a porch on each side, to be placed at the Park. This building could be used for family reunions, community center events and other such events. It could also be used for the Farmer's Market. Mr. Duer estimated the cost of the building at approximately \$40,000. He said that Chief DiMartino will be talking about the need for a new in car camera system and he strongly recommends the purchase. We have received one quote (\$7,000) for installing heat and A/C on the north end of the building but we are waiting on two other quotes. The generator at the Water Tower has been repaired for under the approved estimated cost of \$1,000.

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

Mr. Duer reported that Utility Billing shows \$7,652 over 90 days and the bulk of that is 3 or 4 businesses. There are also some residents that have been cut off and the meters removed but they have not been in to pay. Our checking and savings are at \$964,417 and cash total is \$1,023,055. Gross profits, year-to-date are at \$493,943.80. The \$27,592 which part of was spent for the tractor and implements, \$50,000 of the \$52,183 for the roof, and \$13,600 of the \$14,218 for the audit were all unbudgeted items. Our total expense for the year is \$504,320 which gives us a net income loss of \$10,377. Last month the loss was at \$36,985. Income from the Transient Occupancy Tax, Sales Tax, Meals Tax, Police Fines, Water Sales and Wastewater Sales are all above budget. Wastewater Expense is at \$50,000. Trash Sales are stagnant. Salaries in all departments are within budget.

#### OLD BUSINESS:

##### ANPDC AND THE COMPREHENSIVE PLAN:

Mr. Duer noted that Ms. Morrison from the ANPDC was here tonight and did a good job presenting the first phase of our Comp Plan project. He said that the survey will be on our website tomorrow morning for residents who wish to participate but could not be here tonight.

##### TOWN PARK UPDATE:

The bathroom for the Park will be delivered no later than November 3<sup>rd</sup>. The electric, water and sewer are installed.

##### UPDATE ON SEWER – DRAPER ADEN – MR. DUKES:

Mr. Dukes reported that Draper Aden's engineer, Mike Larson, has been working with him on the sewer project. He said that the original plans do not match the existing sewer system that was installed. A hard rain overworks the system.

##### UPDATE ON WELL PROJECT – DRAPER ADEN – MR. DUKES:

Mr. Dukes noted that the Virginia Department of Health accepted the Categorical Exclusion that was advertised. Draper Aden is developing the bid documents. He said two separate bids are required for drilling the wells and development and that the project is moving forward.

#### NEW BUSINESS:

##### APPOINTMENT OF ERNEST WASHINGTON TO PLANNING COMMISSION:

Mr. Duer recommended appointing Ernest Washington to the Planning Commission. He is a resident of Exmore and has shown strong interest in becoming active with the Town. Councilman Metz made the Motion to appoint Ernest Washington to the Planning Commission. The Motion was seconded by Councilman Adkins and passed by a unanimous vote.

**PLANNING COMMISSION'S RECOMMENDATION AND COUNCIL VOTE OF SPECIAL USE PERMIT FOR EASTERN SHORE OUTFITTERS:**

Sandy Savage made the recommendation to the Town Council to approve the Special Use Permit for Eastern Shore Outfitters (Scott Hines) to perform food processing under Retail Services in Business Downtown. Councilman Metz made the Motion to approve the Special Use Permit for Eastern Shore Outfitters. The Motion was seconded by Vice-Mayor Lewis and passed by a unanimous vote.

**PUBLIC WORKS REPORT – MR. JOHNSON:**

Mr. Johnson reported that for the month of September they had 55 service calls, 13 turn-offs, 2 sewer calls, 9 Miss Utility calls, 13 turn-ons, 6 re-reads and 1 water leak. The fire hydrants were flushed on September 15<sup>th</sup> and are scheduled to be flushed again on October 20<sup>th</sup>. He noted that they will pick up brush and limbs on October 9<sup>th</sup> and furniture and appliances will be picked up on October 16<sup>th</sup>. Trash is averaging 18 to 20 tons per week. He said that they read 709 water meters and had 2 new water hook-ups.

**POLICE REPORT-CHIEF DIMARTINO:**

Chief DiMartino stated that the department is doing very well. He said that they lost Dan Bell to the Animal Control position with Northampton County. He received five applications of which two were certified and only one being Virginia certified and the other was Maryland certified. They interviewed both and contacted DCJS. They do not recognize other states certifications. Chief DiMartino informed the Mayor and Council that he offered the position to Keith Brady who is DCJS certified. He will start with Exmore in two weeks. Chief DiMartino reported that the Yard Sale went very well. The officers are working very hard. Calls for service are down, crashes are down. He noted that there was only one reportable crash in August and one in September, compared to four in each month last year.

Chief DiMartino noted that Officer Rippon does not have a camera system in his patrol car. He said that the cost of a new camera for the car will be approximately \$2,500 and is well worth it to protect the Officer, the Town as well as anyone who would want to make a complaint. Mr. Duer stated that the 48 Hour Safety Program can pay for it. Chief DiMartino noted that the Police Fines are \$44,000 over budget. Councilman Sturgis asked if the camera could be moved from car to car if the cars are sold. Chief DiMartino told him it could be moved. Vice-Mayor Lewis made the Motion to purchase the camera system. The Motion was seconded by Councilman Heaster and passed unanimously.

Mayor Greer stated that he has been hearing positive comments about the Town from the public. He said that it has been a pleasure serving on the Town Council as Vice-Mayor and Mayor and thanked the employees for making the positive changes.

**UTILITY REPORT:**

Mr. Dukes reported that we pumped 3.2 million gallons of water in September. They replaced the packing in one well and it seems to be working fine. He noted that they have had to replace a few sewer pumps that have burned up, cleaned some tanks and they had two new sewer installs that were for new businesses.

**CLOSED SESSION – DISCUSS/CONSIDER POTENTIAL REPAYMENT OF FAÇADE FUNDS:**

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 6<sup>th</sup> day of October, 2014, at 7:00 pm,

Councilman Adkins: "I move that the Council convene in closed session pursuant to Virginia Section §2.2-3711 (A)(6), to discuss or consider the potential repayment of façade loan funds. The Motion to enter into Closed Session was seconded by Vice-Mayor Lewis and was passed unanimously. The Mayor, Town Council and Mr. Duer convened to Closed Session.

RECOVERY FROM CLOSED SESSION, (VOTE IF NECESSARY):

CERTIFICATION OF CLOSED SESSION:

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 6<sup>th</sup> day of October, 2014, at 7:00 pm,

Councilman Sturgis 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 of: Councilman Chase Sturgis-Aye; Councilman Gordon W. Adkins-Aye; Councilman Bradley Doughty-Aye; Councilman Bryon Heaster-Aye; Councilman John Metz-Aye; Vice-Mayor Thomas Lewis-Aye.

Vice-Mayor Lewis made the Motion to authorize Mr. Duer to handle business matters discussed in Closed Session. The Motion was seconded by Councilman Heaster and passed unanimously.

CITIZEN COMMENT (LIMIT OF 3 MINUTES PER SPEAKER):

No one wished to speak.

Mayor Greer thanked those who came out to participate in the Public Forum. He asked for everyone to spread the word about the online survey for more public participation.

Donald E. Kellam, Jr. commented that he has asked Mr. Dukes to organize a Board of Zoning Appeals meeting to discuss their duties. Mr. Dukes said that he will get one together next week.

Councilman Metz asked if Mr. Prettyman has responded to the letter regarding the lot next to the Kirby’s. Mr. Duer said that he has not and he will contact him again and if need be, he will go through the Town attorney to get results.

SCHEDULED MEETINGS:

REGULAR COUNCIL MEETING – MONDAY, DECEMBER 1, 2014 @ 7:00pm

ADJOURNMENT:

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

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Douglas Greer, Mayor

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Ethel Parks, Town Clerk