

TOWN COUNCIL
MEETING
MAY 4, 2015
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 4th day of May, 2015, 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, Sgt. Zieger, Sgt. Campbell, Cpl. Marshall, Officer Brady.

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 the majority in attendance.

INVOCATION:

The Invocation was given by Mayor Greer.

APPROVAL OF MINUTES – APRIL 6, 2015: Councilman Metz made the Motion to approve the Minutes of the regular meeting of April 6, 2015. The Motion was seconded by Councilman Adkins and was passed unanimously.

BUDGET PUBLIC HEARING – APRIL 20, 2015: Councilman Heaster made the Motion to approve the Minutes of the Joint Public Hearing of March 23, 2015. The Motion was seconded by Vice-Mayor Lewis and was passed unanimously.

CITIZEN COMMENT (LIMIT OF 3 MINUTES PER SPEAKER): Ken Dufty thanked Chief DiMartino and the Police Department for keeping an eye on town businesses. He also thanked Mike Johnson and the Public Works Department for keeping our town beautiful. Mr. Dufty reported that Tyson Foods is proposing to construct chicken houses just north of Exmore on Seaside Road. This would result in approximately 240 tons of chicken manure and potentially withdraw one million gallons of water from the aquifers per month. He thanked the Mayor and Council for their hard work to retain the Town Edge Districts.

TOWN MANAGER'S REPORT – MR. DUER:

Mr. Duer noted that the bathrooms at the Park are open. He reported that there is \$10,895 in uncollectable personal property taxes, some dating back as far as 1989. Mr. Duer asked the Council's permission to write the taxes off to clean up the books. Councilman Adkins made the Motion to allow Kathy to adjust off the \$10,895 in uncollectable personal property taxes. The Motion was seconded by Councilman Doughty and was passed unanimously. Mr. Duer said that the ad to sell the old Ford tractor and the air compressor will run in the next few weeks to sell in June. The A-NPDC would like to run a project in town to bring back some of the native trees and have a spot in town to plant them. Mr. Duer noted that he, Mr. Dukes and Mrs. Parks met with Shore Scan to learn more about recording our records digitally and storing them off site. The cost will be approximately \$3,200 for the first two years and \$1,200 per year thereafter and \$1,300 for two scanners. We do not feel as though we are ready to begin the process now but in the next year we

will need to. Starting in July, we will be fully direct deposit. Mr. Duer noted that the Council will be paid in the month that they serve for the month that they serve. Mr. Duer said that he and Taylor attended a meeting with the County regarding our Town Edge and there is information in the packets to be reviewed. He stated that he went on record to say that Exmore's position is to keep their Town Edge. There have been complaints about two areas that were left unpaved. He recommended a letter to be written from the Mayor or Council asking when those two areas are going to be paved. Mr. Duer said that there is \$6,000 in the budget to repair sidewalks but Branscome may be doing the repair work instead. He asked the Mayor and Council for permission to use the \$6,000 toward the parking lot. Mr. Dukes said that he has talked to a contractor and they can put in a swale and three inches of crush-n-run, which will bring it up to grade with Main Street and Broad Street for \$11,500. Mr. Duer noted that New Ravenna and Sea Shore Eye Care employees have voiced concerns about having to drive through the large holes in the parking lot and damaging their cars.

FINANCIAL REPORT – MR. DUER:

Mr. Duer reported that the 30-60-90 Day A/R Utility report is average. The \$17,108 over 90 days are those who have been turned off. The collection rate of the 2014 Real Estate taxes is at 84%. The balance of the Real Estate tax will be sent to our attorney for collection and the Personal Property has been sent to the DMV STOP Program for collection. Mr. Duer reported our total income for the year is \$1,916,981 and total expense for the year is \$1,550,841, which gives us a net income for the year-to-date of \$366,140. Councilman Adkins asked if anyone is attending school for wastewater. Mr. Duer noted that George Duer has applied for a scholarship for a five day course in Blacksburg and he will be attending in August. He stated that this is the best class there is.

POLICE REPORT – CHIEF DIMARTINO:

Chief DiMartino reported that they have had a busy month. They had a fire on Virginia Avenue which was started by a five-year old playing with a lighter. There was an arson committed at Exmore Auto that involved several cars set on fire in the junkyard and a fight on Virginia Avenue at Tony Sturgis' house. He noted that juveniles were reported seen running from Exmore Auto prior to the fires. There have been several breaking and enterings in both counties, which have affected Exmore Diner, Seaworthy Marine and restaurants in Parksley and Onancock. He noted there were two reportable crashes in town on April 27th. Chief DiMartino reported that the collection rate for the fines is at 95.6%. There was a large fight at the Sage Diner on April 18th into April 19th which resulted in shots fired. The suspect fled in a vehicle into Accomack County. Chief DiMartino stated that he, Sgt. Zieger, and Steve Lewis were in pursuit of the suspect, in poor visibility due to fog, when he wrecked. The wreck resulted in a total loss of the car but he was not injured. Sgt. Zieger was able to apprehend the suspect and charged him with several felonies. He said that the manager of the Sage has agreed to shut the bar down to keep their ABC license to sell alcohol in the restaurant with dinner only. They have obtained 38 warrants over the Sage melee. Chief DiMartino apologized for wrecking the car. He commended Sgt. Zieger for the way he handled the situation. The Mayor and Council were happy that he was not hurt in the wreck.

OLD BUSINESS:

UPDATE ON SEWER PROJECT – MR. DUKES:

Mr. Dukes noted that the influent side of the tank in the Wastewater Plant was cleaned last week. He said that with 99% of the solids out of the tank it should improve the plant for the summer.

UPDATE ON WELL PROJECT – MR. DUKES:

Mr. Dukes reported that the two new pilot wells have been drilled and they have installed one surface casing to 100 feet.

ORDINANCE ADDRESSING ELECTRONIC SUMMONSES:

REVOCATION OF ORDINANCE NO. 206:

Mr. Duer explained that Ordinance No. 206 was passed last month with the clause "or any use the Town Council deems necessary." He said that our attorney has advised us that we cannot change

anything that the Commonwealth has already adopted. Ordinance No. 206 has to be revoked and Ordinance No. 207 is the original ordinance written by the Commonwealth. Vice-Mayor Lewis made the Motion to revoke Ordinance No. 206. The Motion was seconded by Councilman Heaster and was passed unanimously.

ADOPTION OF ORDINANCE NO. 207:

Councilman Adkins made the Motion to adopt Ordinance No. 207. The Motion was seconded by Councilman Sturgis and was passed unanimously.

ORDINANCE NO. 205 – ADDRESSING TOWN DECALS:

Mr. Duer explained that Ordinance No. 205 was tabled last month and in order to discuss it tonight we need to take it off the table. Councilman Metz made the Motion to take Ordinance No. 205 off the table for discussion. The Motion was seconded by Vice-Mayor Lewis and was passed unanimously. Mr. Duer noted that Section 3 (dealing with decal transfers, stolen decals) of Ordinance No. 205 has been removed and the Ordinance has been rewritten. There was no further discussion. Councilman Sturgis made the Motion to adopt Ordinance No. 205. The Motion was seconded by Councilman Adkins and was passed unanimously.

Mr. Duer stated that we have been over the 2015-2016 budget three times, advertised it and held the Public Hearing. It is time to pass it and move forward. Without further discussion, Councilman Metz made the Motion to pass the 2015-2016 budget. The Motion was seconded by Vice-Mayor Lewis and was passed unanimously.

MULTI-PURPOSE BUILDING AT TOWN PARK:

Mr. Duer noted that we have asked two contractors for bids on the building at the Parks and have received only one bid for the building so far. He said that we only need one bid but our purchasing policy requires three bids. The bid that we have received came in at \$102,000 and he is asking the Council for \$110,000. There is \$55,000 in next years budget and we will need \$55,000 out of this years budget to get the building built. Mr. Duer said that it is 48' x 64' and will be built on a concrete slab at the Park. Councilmen Heaster and Sturgis stated that they would like to advertise for bids. After some discussion, Councilman Metz made the Motion to accept the bid that we have and move forward with the building. The Motion was seconded by Councilman Doughty. The Motion to pass or deny accepting the bid to move forward with the building came to a tie vote of Vice-Mayor Lewis-Aye; Councilman Metz-Aye; Councilman Doughty-Aye; Councilman Sturgis-Nay; Councilman Adkins-Nay; Councilman Heaster-Nay. Mayor Greer broke the tie by the affirmative vote of Aye and the Motion was passed.

NEW BUSINESS:

PROPOSED MANAGEMENT OF FARMER'S MARKET:

JIM WELCH:

Councilman Adkins introduced Jim Welch saying that they worked together in forming a community garden. He noted that Mr. Welch has a non-profit organization and also a for-profit benefit corporation. Mr. Welch stated that he is currently researching agriculture products off the Shore. He told the Mayor and Council that he is a business man and an organizer, not a farmer and he would like to work with Exmore to help develop the Farmer's Market. Mr. Duer said that we could start Mr. Welch on a 3 year contract, with a 90-day out. Mr. Welch has good ideas for Exmore and the Farmer's Market and three years will give him time to implement his ideas. Mr. Duer noted that he has been in touch with the railroad and they are receptive to having the Farmer's Market on the railroad property. He said that he will have our attorney write up a three year contract between Mr. Welch and the Town. Councilman Adkins made the Motion to give Jim Welch the authority to be the Developmental Manager of the Farmer's Market for a three year period. The Motion was seconded by Vice-Mayor Lewis and was passed unanimously.

There was brief discussion about giving David Scanlan the balance of the funds needed to complete the replacement of the new windows at the Railroad Museum. David Scanlan previously asked the Town to help with replacement of the windows at the Railroad Museum at the cost of \$4,000. The

Council voted to budget \$2,500 in the 2015-2016 budget to help with the new windows. Mr. Duer said that we could give him the balance, \$1,500, out of our current year budget. Councilman Metz made the Motion to give Mr. Scanlan the additional \$1,500 for the windows with the guarantee that the Railroad Museum will be open every Saturday. The Motion was seconded by Councilman Sturgis and was passed unanimously.

LOAN THROUGH USDA TO REPLACE POLICE CAR:

Mr. Duer explained that the original loan/grant was issued to us by USDA for the 2014 Chevy Impala that was recently totaled during a pursuit. He noted that VML has paid us for the car and we have in turn paid USDA. We are now eligible to apply for a low interest loan from USDA to replace the car. The replacement cost of the car is approximately \$21,400 and the interest rate is 3.5%. Chief DiMartino stated that the only equipment that was damaged with the car was the two lower flashers and the siren box. They removed the rest of the equipment to install in the replacement car. Councilman Sturgis made the Motion to purchase the replacement car through a USDA loan. The Motion was seconded by Councilman Doughty and was passed unanimously.

Mr. Duer asked the Council if they wanted to make a decision on the parking lot. He said that so far they have one bid at \$11,500 and will try to get three bids. Councilman Heaster made the Motion to spend up to \$11,500 on the parking lot depending on the outcome of the bids. The Motion was seconded by Vice-Mayor Lewis and was passed unanimously.

UTILITY REPORT – MR. DUKES:

Mr. Dukes reported that we pumped 3.8 million gallons of water in April. Leak detection will be performed in town on Wednesday and that will help determine the exact location of existing leaks. George Duer will be attending Water School at Virginia Tech in Blacksburg at no cost to the Town during the second week of August.

PUBLIC WORKS REPORT – MR. JOHNSON:

Mr. Johnson reported 12 turn-offs, 3 water leaks (Poplar, Willis Wharf Road and Marcus Garvey), 3 sewer calls, 5 re-reads, 6 Miss Utilities, 1 emergency turn-off (due to the fire on Virginia Street), 1 emergency weekend call, 9 turn-ons and 2 pressure tests. He noted that they flushed the fire hydrants on April 27th, picked up brush and limbs on April 16th, picked up furniture and appliances on April 19th and trash is averaging 18,000 to 20,000 pounds per month. They read 715 water meters and installed 60 new water meters.

Councilman Adkins asked Mr. Johnson if Public Works could cut the grass at a lot on Monroe Avenue with overgrown grass. He noted that it is an eyesore. Mr. Dukes told him that they will cut it and assess the cost to the property. Mr. Dukes informed the Mayor and Council that Joe Sommers did an excellent job repairing the slide at the Park with fiber glass.

ZONING – MR. DUKES:

Mr. Dukes informed the Mayor and Council that our attorney is handling the legal work on the derelict houses and abandoned properties in town. He said that it is long process but it is being taken care of.

Councilman Adkins noted that he has received a few phone calls about the parking across the street from the Shake Shop. The callers complain that if trucks are parked there then they cannot see around them. Chief DiMartino said that there is no curb there and people pull up to the building, which makes it hard to see around a parked vehicle. A No Parking sign or pole, etc. will need to be installed to stop people from parking there. Councilman Adkins also mentioned the white line at the Exxon light. He would like to see the white line moved back by 6 feet so that drivers who are attempting to turn right to go south will have a better view of oncoming traffic. Chief DiMartino told him that there is not a right turn lane at the Exxon light going south and that VDOT would be the one to talk to about it.

CITIZEN COMMENT (LIMIT OF 3 MINUTES PER SPEAKER):

Stevon Sample stated that he has sold a few copies of his newspaper. He said he is opening an art gallery and print shop in his home also.

SCHEDULED MEETINGS & CLOSINGS:

**CLOSINGS – TOWN OFFICE CLOSED, MONDAY, MAY 25, 2015 – MEMORIAL DAY
TOWN COUNCIL MEETING – MONDAY, JUNE 1, 2015 @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.

Douglas Greer, Mayor

Ethel Parks, Town Clerk