

TOWN COUNCIL
MEETING
PUBLIC HEARING
NOVEMBER 6, 2023
7:00 PM

At a public hearing and 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 6th day of November 2023 at 7:00 pm.

ATTENDANCE:

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

STAFF ATTENDANCE:

Robert Duer, Ethel Parks, Taylor Dukes, Chief DiMartino, Sgt. Gonzalez, Cpl. Hinman.

CALL TO ORDER:

Mayor Greer established a quorum and called the Town Council meeting to order at 7:00 pm.

PLEDGE:

The Pledge of Allegiance was recited by the majority in attendance.

INVOCATION:

The Invocation was given by Councilman Adkins.

APPROVAL OF MINUTES:

TOWN COUNCIL MEETING – OCTOBER 2, 2023:

Councilman Heaster made the Motion to approve the Minutes of the October 2, 2023, regular Town Council meeting. The Motion was seconded by Councilman Metz and was passed unanimously with Councilman Doughty being absent.

SPECIAL TOWN COUNCIL MEETING – OCTOBER 27, 2023:

Councilman Sturgis made the Motion to approve the Minutes of the October 27, 2023, Special Town Council meeting with the correction. The Motion was seconded by Councilman Adkins and was passed unanimously with Councilman Doughty being absent.

OPEN PUBLIC HEARING – DHCD FUNDING – MR. DUKES:

Mayor Greer opened the Public Hearing

Mr. Dukes explained that the additional funding is needed to assist in abandoning the existing wastewater treatment plant, which does not operate properly, replace the existing sewer collection system, which does not function properly, install the plumbing and electrical improvements needed to connect homes and businesses to the new grinder pump collection system and proper abandonment of the existing septic tanks. He said that the supplemental funding will enable the Town to fund the increased costs without borrowing additional money. The Town needs to reduce borrowing as much as possible to avoid additional sewer rate increases on a community that lives with persistent low incomes.

PUBLIC COMMENTS:

None.

CLOSE PUBLIC HEARING:

Councilman Sturgis made the Motion to close the Public Hearing. The Motion was seconded by Councilman Adkins and was passed unanimously with Councilman Doughty being absent.

CITIZEN COMMENT (LIMIT OF 3 MINUTES PER SPEAKER):

Faye Wilfong, 11585 Occohannock Road, had several questions about the new sewer system. Reading from the grinder pump agreement, she said that the property owner is responsible for every aspect of the grinder pump, installation, labor, etc., she asked how the sewer line would be connected to her home and who would be responsible for the expense, she asked how a property owner would be responsible for the grinder pump making unusual or loud noises if they are out of town, she asked how a generator would affect the grinder system, she noted that garbage disposals are worthless with the grinder pump and asked who is responsible for the expense of accessing the electrical system. Mr. Dukes told her that he will address her questions and concerns during the meeting.

Laura Schultis, 3183 Main Street, addressed the Mayor and Council about being ticketed by the Police Department for a dog running at large. She said that she was told by an Exmore Officer that they had received complaints about her dog not being on a leash while she was walking with him. She noted that she has walked her dog off a leash for 2 years and have had no problems. Ms. Schultis noted that she is asking the Council to rewrite Exmore's dog ordinance so that it complies with State Code 3.2-6538. Faye Wilfong, Kelly Flores (4316 Main St.), Jackie Craft (Jackson St.) and Ken Dufty all said that they have seen Ms. Schultis walking with her dog and the dog has not caused any problems.

Ken Dufty, 6182 Wardtown Road, noted that he also owns several properties on Bank Avenue and Main Street in Exmore. He thanked the Mayor and Council, Chief DiMartino, Mr. Duer and Mr. Dukes for a fantastic job assisting with the CBES Bike Tour and also Clarice MacGarvey for her marketing skills and strategies. He reported that the Sea Witch, the Merchantile and the Harper's are doing an outstanding job bringing in a younger and a broader spectrum of clientele. Mr. Dufty said that there is rumor of a retail/wholesale business opening in the old Coca-Cola Bottling and the old People's Trust building is now offering longer term rentals.

TOWN MANAGER'S REPORT – MR. DUER:

Mr. Duer noted that Joe Sommers' anniversary with the Town is 13 years on the 15th, Mr. Duer's is 10 years on the 18th and Lynn Sherwood's is 10 years on the 25th.

Real Estate tax bills have been sent out. Personal property tax bills were finalized today and should be sent out this week. He said that the County's software does not mesh well with Cape Charles' or Exmore's, which makes it harder to prepare the bills and later sending them out. He asked the Mayor and Council if delaying the due date on the personal property bills to January 2, 2024 would be amenable to them. They agreed. Mr. Duer said that Chief DiMartino has received complaints about residents burning in Town. He asked the Mayor and Council if they would consider a burn ordinance. One resident remarked that her children are asthmatic and the smoke causes them problems. Mr. Duer said that he would bring a draft ordinance to next month's meeting.

FINANCIAL REPORT – MR. DUER:

OCTOBER FINANCIALS:

Income for the month of October was \$456,212 and expenses were \$2,860,333. This gives us a net loss of \$2,404,121.

YTD FINANCIALS:

The year-to-date income is \$991,580 and expenses are \$2,374,638 for a year-to-date net loss of \$1,383,058. Mr. Duer explained that the finances will equal out in the months ahead. He noted that the reimbursements are approximately one month behind the sewer project expenses.

NEW BUSINESS:

RESOLUTION TO SUPPORT NORTHAMPTON COUNTY IN MANAGING SHORT TERM RENTALS – MR. DUER:

Mr. Duer explained that short-term rentals are becoming a problem statewide. He said that real estate companies can own Air BNB's without being subject to any rules or regulations. Northampton County is opposed to this and has passed an ordinance opposing any potential legislation that restricts a locality's ability to manage short-term rentals. Northampton County has asked for the Town's support, by Resolution, of their ordinance. Councilman Sturgis made the Motion to pass the Resolution Opposing Potential Legislation to Restrict Any Locality's Ability to Manage Short Term Rentals and Assign Such Authority to a Private Entity. The Motion was seconded by Councilman Metz and was passed unanimously with Councilman Doughty being absent.

BUDGET AMENDMENTS: EXPENDITURES AND APPROPRIATIONS – MR. DUER:

Mr. Duer stated that we have several budget amendments. We have an invoice from Kevcor Contracting for the new sewer project in the the amount of \$1,544,700.27, John Maynard for \$18,750, Co-Bank for \$3,097.37 Salaries for \$7,932 and James Cornwell for \$34,760. Mr. Dukes said that Phase II, the connection to the houses, includes \$58,010.28 from ARPA funds, \$2,391.54 from DHCD and \$919.83 from the Town’s ARPA funds. Councilman Sturgis made the Motion accept the budget amendment to pay Kevcor Contracting \$1,544,700.27. The Motion was seconded by Councilman Metz and was passed unanimously with Councilman Doughty being absent. Councilman Heaster made the Motion to accept the budget amendments for John Maynard, Co-Bank, salaries and James Cornwell as directed by the Town Manager. The Motion was seconded by Councilman Sturgis and was passed unanimously with Councilman Doughty being absent.

Mr. Duer stated that the appropriations include ARPA reimbursement for Police car and cameras-\$204,214.14, DEQ payment for the new sewer project - \$126,568.16, Sewer Payroll - \$7,932, John Maynard - \$18,750, James Cornwell – \$34,760 and Co-Bank - \$3,097.37. Councilman Sturgis made the Motion to accept the ARPA reimbursement for the police car and cameras. The Motion was seconded by Councilman Metz and was passed unanimously with Councilman Doughty being absent. Councilman Sturgis made the Motion to accept the appropriation of the DEQ payment in the amount of \$126,568.16. The Motion was seconded by Councilman Heaster and was passed unanimously with Councilman Doughty being absent. Councilman Heaster made the Motion to approve the appropriations of Payroll - \$7,932, John Maynard-\$18,750, James Cornwell - \$34,760, and Co-Bank -\$3,097.37. The Motion was seconded by Councilman Sturgis and was unanimously with Councilman Doughty being absent.

LEASH ORDINANCE NO. 193 REVISION – CHIEF DIMARTINO:

Chief DiMartino noted that Ordinance No. 193 was the original Dog Running at Large Ordinance. The ordinance states the penalty as being stronger than the penalty in the state code. Chief DiMartino recommends that they amend the ordinance to follow the state code with a civil penalty of \$100. He stated that, so there is no confusion as to what ‘running at large’ means, he recommends that the definition should be added. Councilman Heaster made the Motion to table the amended ordinance until it is clear about needing to hold a public hearing. The Motion was seconded by Councilman Sturgis and was passed unanimously with Councilman Doughty being absent.

OLD BUSINESS:

COMMERCIAL SEWER RATE, HIGH STRENGTH OR UNUSUAL WASTE CHARGES AND RESIDENTIAL FLAT RATE - UPDATE:

Mr. Dukes stated that he checked with HRSD about commercial testing. He said that they charge \$112.50 for 4 tests and those tests will be required for all commercial sewer users. Mr. Duer noted that this will need to be advertised. He said that we need to act quickly because our sewer plant is closed and we are on HRSD. The Mayor and Council authorized Mr. Duer to advertise.

FOOD TRUCK APPLICATION – UPDATE:

No report.

SEWER ORDINANCE UPDATE:

No report.

POLICE REPORT – CHIEF DIMARTINO:

Chief DiMartino reported that all of the officers are doing well. He said that Josh Hipple has been with the department for approximately a month and is now working on his own. Officer Hipple starts the academy in January. We have been reimbursed for the 3 new cars and the camera system. Chief DiMartino noted that there were 5 reportable crashes in October. He said that Halloween went very well.

PUBLIC WORKS REPORT – MR. DUKES:

Mr. Dukes noted that they are gearing up for the holidays. They will be testing Christmas lights soon and Parks Electrical will be installing the lights. He said that they have received a grant to purchase a 14-foot panelized Christmas tree and it will be installed at the flagpole. They have purchased other lights and

decorations this year as well. Mr. Dukes stated that Mr. Davis, the new hire, is working out well. They are now running both trash trucks and are finishing the route by lunchtime.

WATER AND SEWER REPORT – MR. DUKES:

Mr. Dukes addressed Mrs. Wilfong’s concerns. He said that the Town is paying to hook the sewer to all the homes through Phase I of the project. Phase II is paid for by DEQ. In this phase they will connect the electric to all the homes and also pump and destroy all of the old septic tanks and grade the yard. He noted that if anybody’s electric panel needs to be upgraded it will be paid for through this phase. The red light and alarm will alert neighbors if you are out of town and generators will not harm the pumps. Mr. Dukes said that he does not recommend using a garbage disposal. The Town will restore anything that may be damaged during the sewer installation.

ZONING REPORT – MR. DUKES:

No report.

CITIZEN COMMENT (LIMIT OF 3 MINUTES PER SPEAKER):

None


SCHEDULED MEETINGS & CLOSINGS:

**TOWN OFFICE CLOSED – FRIDAY, NOVEMBER 10, 2023 – VETERAN’S DAY
THURSDAY & FRIDAY, NOVEMBER 23 & 24, 2023 –
THANKSGIVING HOLIDAY**

TOWN COUNCIL MEETING – MONDAY, DECEMBER 4, 2023 @ 7:00 pm

ADJOURNMENT:

Councilman Adkins made the Motion to adjourn the meeting. The Motion was seconded by Councilman Metz and was passed unanimously with Councilman Doughty being absent.



Douglas Greer, Mayor



Ethel Parks, Town Clerk