

The regular meeting of the Parksley Town Council was held on Monday, September 10, 2007 at 7:30 pm in the Council Chambers on Dunne Ave.

Present: Mayor Rick Chase; Council: Parks Phillips, Rodney Smoot, Ellen Boyce, and Carter Parks; Chief of Police Tommy Carpenter; Director of Public Works/Zoning Administrator Fred Matthews; Atty. Lynwood Lewis and Clerk Denise Bernard

Visitor: Barbara Schwenk, A-NPDC

Mayor Chase called the meeting to order and Councilwoman Boyce led the Invocation and Pledge of Allegiance.

Mayor Chase recognized the visitor. B. Schwenk gave a sewage update. The town was rejected by DCHD for the Southern Rivers Grant, due to being in the Chesapeake Bay Watershed not in the Chesapeake Bay Preservation Area. Back to the USDA and maybe STAG money. Revised numbers, based on K. Nowakowski's estimate, is 1.5 million. Had to put the merchant's rate back up to \$99, had to put the contingency up to 10%. If the USDA is the only funding, don't need the Davis Bacon Act. Need to talk to Thelma Drake, again, and there is a meeting on 10-4-07 at 7:30 p.m. at Nandua High School where the county's engineers are going to make a presentation on the county's sewage. She will work with Atty. Lewis and Sterling; their opinions differ from Eddie Smith (on the Davis Bacon).

Mayor Chase stated that the bid package is done, waiting for verbiage to go in the contract. We are trying to come to an agreement between the engineers, attorneys and the USDA. Council was given copies of B. Schwenk's estimate, some figures are required and some figures may not be accurate.

Councilman Phillips asked if the town is able to contribute the proposed \$252 a month, the USDA doesn't like money put in by the town.

Mayor Chase stated that he doesn't think that would stop the loan; he will ask the county and Thelma Drake for money, again.

The minutes from the month of August were approved.

Councilman Smoot made the motion to pay the bills. Motion was 2nd by Councilwoman Boyce. Motion passed unanimously.

Committee Reports – Mayor Chase had a letter from the 911 Commission requesting business contact information and VDH about SIRS training. *Chief Carpenter will get the contact information.*

Chief Carpenter stated that it is a minimum training, never been activated and Councilman Phillips stated that several from the PVFC have been through that training.

Buildings, Facilities and Alleys-Councilwoman Boyce stated that she and F. Matthews will look at the Scout House in October; talked to Kat Edwards about the T Grant, there are no funds available to resurface the parking lot, but could combine it with another grant (landscaping etc.). She will call her K. Edwards back and ask about amounts and partial closing in the Pavilion; the money is still there for the ESRM. *Councilwoman Boyce and Dir. of Pub. Wks/Zoning Admin. Matthews will meet with K. Edwards.*

Mayor Chase asked about the proposed Golf Cart Ordinance.

Chief of Police Carpenter didn't feel that Parksley needed it; it is a traffic hazard and dangerous.
Councilwoman Boyce and Councilman Smoot agreed.

Councilman Phillips stated that the IBR is up and running and PVFC is CERT certified.

Councilman Parks stated that the Parksley Improvement Plan will be updated after the 1st of the year. He questioned the skateboards and bicycles on the sidewalks on front street.

Chief Carpenter stated that the bikes and skateboards are gone and the parents have been notified.

Councilman Parks stated that at the end of his alley, it is like a used car lot (*F. Matthews will look into it*). Also, he is tired of sewage; the town doesn't qualify and is back at square one, again and businesses for sale.

Mayor Chase stated that he is open to suggestions that will move this faster. He is also discouraged with the set backs and concerned with the bids (wants everything right this time). This is not the time to quit, businesses will sell. We can go ahead even without the money from the county or federal govt.

Atty. Lewis stated that we need to think about what would happen if the sewage doesn't come through.

Unfinished Business – Mayor Chase stated that Councilman Eichelberger had emailed a price list of the spare parts needed to keep on hand for the chemical pump-\$528.

Dir. Of Pub. Wks./Zoning Admin. Matthew stated that he already had a couple of the parts needed and the rest of it would be \$320 plus freight. *Council agreed to go ahead and purchase the parts needed.*

Mayor Chase asked about the proposed Burning Ordinance.

Atty. Lewis had a proposed amendment to the burning ordinance, which was passed around. He stated that paragraph #2 needed to be changed to "Any such permitted burning shall be monitored by a Town employee".

Dir. Of Pub. Wks./Zoning Admin. Matthews stated that HAV is making arrangements to get the old school demolished, needs to get a burn permit.

Mayor Chase suggested amending the existing burn ordinance by adding the paragraph to allow burning by a special use permit.

After more discussion, it was decided to have a special use burn permit to be issued by the Zoning Administrator. The Zoning Administrator will put in writing on the permit, the requirements and stipulations.

Atty. Lewis stated that # 2 of the original ordinance should read "on private property within the corporate limits of the Town of Parksley at any time unless written permission is obtained from the Town Zoning Administrator upon terms and conditions determined by him".

Mayor Chase stated that the amendment also needs to include the wording "Any such permitted burning shall be monitored by a Town employee" and change the fine to \$2500 Class I Misdemeanor.

Councilman Smoot made the motion to amend the burning ordinance as described. Motion was 2nd by Councilman Phillips. Ayes- Phillips, Smoot, Boyce, and Parks. No-nones. Motion passed unanimously.

Councilman Parks asked if the council could have a work session to go over ordinances and review the fines.

Mayor Chase stated that he had the Zoning Ordinance and trash ordinance on the computer.

Dir. Of Pub Wks/Zoning Administrator Matthews stated that the town can enforce any state law, can collect fines only for town ordinances.

Mayor Chase stated that the trash ordinance is good, just not enforcing it.

Chief Carpenter stated that most trash problems are coming from the apartments, charge the property owner, not easy to enforce.

Mayor Chase stated that if the trash isn't picked up, get the Health Dept. involved. Need to do a letter in English and Spanish to leave when the proper containers aren't being used.

Dir. Of Pub Wks/Zoning Administrator Matthews stated that there is a problem every Tuesday, will take pictures of the problems. They do leave trash cans, if they are too heavy, but if trash is left because of not properly contained it would be all over the place.

Mayor Chase asked what could be used in a lease situation. If the property is subleased, could it be reverted back to the owner, *council will think about this and discuss next month.*

Dir. Of Pub Wks/Zoning Administrator Matthews feels that the way to go will be to hire a building inspector, part time, to check out the apartments.

Chief of Police Carpenter stated that the first IBR went through fine. He had talked to Mark Luckenbach about Halloween who suggested closing the streets to vehicles. It is not feasible, not enough man power; it is the motorist responsibility to look out for the kids.

Mayor Chase suggested that when the notice is in the paper; put a special alert for the motorist look out for the kids. Use the same curfew as before.

Chief Carpenter suggested having posters made up in advance and put up ahead of time. *Council agreed.*

Dir. Of Pub Wks/Zoning Administrator Matthews stated that he had hired Benny Annis, he started Thursday. Everything is going good. They will go back to work on the building; and the sign for over the door.

Atty. Lewis stated that the easement on Jimmy Miles property, the town reserved a 10 ft. drainage easement.

Dir. Of Pub Wks/Zoning Administrator Matthews stated that the easement to join the ditch from behind the old Johnson's Welding Shop, goes by the edge of the woods, gets to Frank Hurst's old driveway, and gets to the street. The town has an easement, if ever needed, to join that drainage ditch and carry it back to the main ditch on the other side of Bennett St. It runs from Randy Miller's garage to the Lunch Box and on to join to that ditch. The town needs to the keep easement, but change the location. Jimmy Miles has that property for sale, he has a contract.

Atty. Lewis stated that when the town vacated the right of way, it reserved the easement for the town and VDOT; VDOT needs to agree also.

Dir. Of Pub Wks/Zoning Administrator Matthews will talk to Mark Rew. *Council agreed.*

Clerk had paperwork from the VML for a workshop that will be held on Nov. 16th in Onancock. *Clerk and Chief of Police will attend.*

Dir. Of Pub Wks/Zoning Administrator Matthews stated that the first of November, the Miss Utility Committee will meet in the Council Chambers and then hold their regular meeting at the PVFC.

Councilwoman Boyce made the motion to go into Executive Session to discuss legal matters. Motion was 2nd by Councilman Smoot. Ayes-Phillips, Smoot, Boyce and Parks. No-none. Motion passed unanimously.

WHEREAS, the Parksley Town Council has convened an Executive Session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A) of the code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED, that the Parksley Town Council hereby certifies that to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the Executive Session to which this certification resolution applies, and only such public business matters as were identified in the motion convening the Executive Session were heard, discussed or considered by the Town Council.

Vote: Ayes - Phillips, Smoot, Boyce and Parks; Nays-None; Motion passed unanimously.

Councilman Smoot made the motion to adjourn. Motion was 2nd by Councilwoman Boyce. Motion passed unanimously.

Meeting adjourned at 9:50 p.m.