

December 9, 2019

The regular monthly meeting was held on Monday, December 9, 2019 in the Council Chambers on Dunne Ave. The meeting started at 7:00 pm.

Present: Mayor Wayne Marshall; Council: Frank Russell, Dan Matthews, Sam Welch, Julie Nash; Public Works Director Danny Siegert; Police Chief Greer; and Clerk Letitia Greer. Absent: Councilman Parks, Councilman Savona.

Visitors: Cara Burton, Shirley Johnson, Ernie Swisher

Mayor Marshall opened the meeting and Councilman Welch led the Invocation and Pledge of Allegiance.

C Burton of ES Public Library handed out Census Complete Count Committees brochures and shared the importance of having an accurate census count, each person left out costs a municipality roughly \$2000-\$5000. She stated the library is involved because some of their funding is based on the census count. She is chairing a CCC Committee. She stated the census surveys will be sent to street addresses which is a problem in Parksley since most residents get their mail at the post office. C Burton asked that the town allow her to post posters in the town office/DMV Select and also asked to include a note on March water bills.

S Johnson asked who owns the memorial - the town or the Burkhead family. Councilman Russell stated the town donated the land. Councilman Welch stated the town provided the land, there was no deed. S Johnson would like to know who will take responsibility for maintenance once the Burkheads are gone. S Johnson asked if it is covered on the town's insurance. Councilman Welch stated it should be covered since it is on town land. Councilman Welch stated there is money in the memorial account to cover replacing flags or repairing damage. Councilman Russell suggested a line item in the budget. Councilman Welch suggested asking the American Legion to help with maintenance. Councilwoman Nash said the town should take care of the gardening. Councilman Russell suggested having a lawyer draw up a document clarifying who is responsible.

E Swisher stated that church traffic from the shirt factory races through the alley behind his house and asked what could be done to solve the problem. He stated the traffic does not stop before crossing Mary Street. Councilman Russell asked about speed bumps. Public Works Director Siegert stated maintenance cannot drag the alleys if they have speed bumps.

Councilman Matthews made the motion to approve the previous months minutes as submitted. Motion was 2nd by Councilman Welch. Ayes - Russell, Nash, Matthews, Welch. No - none. Motion passed unanimously.

Councilman Russell made the motion to pay the bills as submitted. Motion was 2nd by Councilwoman Welch. Ayes - Russell, Nash, Matthews, Welch. No - none. Motion passed unanimously.

Unfinished Business

Code of Ethics - Mayor Marshall stated he is still waiting to hear from the attorney.

Councilman Russell stated he had called two places regarding drug testing; the chiropractor in Onley charges \$50 and Eastern Shore Rural Health charges \$60-\$75. Councilwoman Nash stated the town was using the health department. Councilman Russell stated the health department does not do blood testing. Mayor Marshall said some drug testing is done by an oral swab. Councilman Matthews asked if current employees would be grandfathered since they had not

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undergone pre-employment drug screening. Councilwoman Nash stated all current employees need to be tested and then they would be random.

Councilman Matthews stated a new policy is required if the council wanted to test council members; the current town policy is for employees only. Councilman Matthews stated testing council could not change election. Councilman Russell suggested writing a policy so names of council members who come up with a hot bottle will be published in the paper or dock their pay. Councilman Matthews stated we can't do that because of HIPAA.

Councilman Russell stated it should apply to the council so it would be even-handed and nobody can say they are being targeted, there would be no who shot John. Councilman Matthews stated there is no repercussion for council members. Councilman Russell stated council members would be able to show their accusers that they passed a drug screen. Clerk Greer stated that council members could pay for that themselves. Councilwoman Nash stated the town should not have to pay for that. Councilman Russell stated he was concerned about accusations of drug use against the council. Councilman Russell stated that he is not concerned that any council members or employees would fail a drug screen.

Councilman Matthews stated that the current policy is written that a drug screen could be ordered based on a supervisor's observation; this would be handled privately; a resident's accusation is not basis for drug screening.

Clerk Greer stated that current employees were not given a copy of the personnel policy upon hiring. Councilman Russell asked why someone wouldn't want to take a drug test. Councilwoman Nash added unless they had something to hide. Clerk Greer stated there are other things that the town needs to spend money on, there is a hole in the floor and the heat is not working. Councilman Russell stated we need a new trash truck, a new cop car, a new water tower, a new sewage system; this is something that could hurt us. Councilwoman Nash stated it's a drop in the bucket.

Councilwoman asked if the town wanted to go with ES Rural Health. Councilman Matthews stated that current employees were not tested at hire and asked if they would be grandfathered in. Mayor Marshall stated we would inform current employees of the policy, have them sign a receipt, and then have the initial drug tests performed. Councilwoman Nash stated that there needs to be a random schedule. Councilwoman Nash stated the employees need to be provided a copy of the personnel policy immediately.

Mayor Marshall stated that the sheriff's office used to perform the testing for some other agencies.

Councilman Matthews asked how the policy would be enforced moving forward. He stated that he assumes all current personnel would pass drug testing; there is no random policy in place at this time. Councilman Russell stated that everyone needs to be tested and then we would have paperwork on file and there would be no questions. Councilwoman Nash stated that some places pick one person a month so there would only be twelve tests in a year. Clerk Greer stated there are seven employees. Councilman Matthews stated the employees should be tested once and then it would be on suspicion. Councilwoman Nash stated employees should be tested randomly. Councilman Matthews stated random testing would require a change in the policy. Mayor Marshall and Councilman Matthews stated they are not subject to random testing through their employer, Accomack County.

Councilman Russell stated that they all should be tested, he would pay for his own; the paperwork should be in the file and there would be no question in anyone's mind.

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Clerk Greer stated that the town would need to hire a contractor to administer the random part of the testing, an added expense. Councilwoman Nash stated it could be done randomly. Councilman Matthews stated that someone outside the town would need to pick the names and nobody will do it for free. Councilman Russell stated that he believes that is part of the added expense at ES Rural Health so they could handle that part.

Councilman Russell asked when the testing would start. Clerk Greer stated that she believed that current employees should be given a copy of the current personnel policy and testing should start 30-45 days afterwards so they would have time to consider the policy.

Councilman Matthews stated initial testing will cost the town \$350 at \$50 each for 7 employees. Councilman Russell stated he didn't want to discuss further in open session, it needs to be done.

Public Works Director Siegert stated he did not know anyone was doing drugs. Councilman Russell stated that when accusations are made, they need to be taken seriously. Public Works Director Siegert stated there must be something specific; Councilman Russell stated he wasn't hinting at anyone. Councilman Matthews asked who was making the accusation. Councilman Russell stated that the policy had been on the books for five years and was never followed.

Mayor Marshall asked the council to think about the current policy and make a decision.

Public Works Director Siegert stated the water tower had been inspected and he was waiting on the findings report. He anticipates the tower will need to be painted.

Council Reports

Councilman Russell stated that Mike Shreaves had told him a picture of the railway museum is being featured on a national calendar.

Councilman Russell stated he will be meeting with the new regional manager for Dollar General in a few weeks.

Councilman Russell stated that his daughter told him that a lady is still interested, once again, in buying the hotel; she just sold her property in New York and she has the shekels to do it; she wants to live there and make it into some type of art/ceramics center. Councilman Russell stated that she is very concerned about the sewage hookup again and we need to take care of this. Councilman Russell stated this is the third time we've had the chance to sell the hotel or somebody buy the hotel; she may still buy it. Councilman Russell stated she is also looking at a building in Cape Charles.

Clerk Greer stated she had received an email through the town's website from someone asking for information regarding the private sewage system and she had referred them back to the realtor. The same person emailed again asking about hooking into the town's system. Clerk Greer stated she informed the person that VDH is not allowing additional hookups to the town's system so the town council had approved pump and haul systems.

Councilman Russell stated he knew there is another meeting coming up and would like to know if there was any progress at all. Public Works Director Siegert stated the town needs a new system; he explained that the issue is capacity and the system is too small. Councilman Russell asked if an engineer had looked at the system. Public Works Director Siegert stated they system was engineered for that capacity. Councilman Russell stated he had talked to the health department

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lady Sunday and she was waiting for Public Works Director Siegert to call her so that the town could hire an engineer to speak to the health department engineer to resolve this.

Mayor Marshall stated that we should speak to Rob; Public Works Director Siegert stated Rob was not interested. Councilman Russell stated that we need to hire an engineer because this had to be job one; otherwise, this town will never be able to move the football down the field. Public Works Director Siegert stated the system's capacity is 14000 gallons daily and our flow is sometimes higher. Councilman Russell stated he understood and we need to get an engineer in to see what could be done; we can't keep kicking the can down the road. Councilman Russell stated we need to contact someone with an engineering degree; we have to do something because this is killing us.

Mayor Marshall asked Public Works Director Siegert to contact Cathy at the health department and ask if they could recommend an engineer. Public Works Director Siegert stated that had done that.

Councilwoman Nash asked if the council had to wait until the next meeting to approve hiring a specific engineer or if the council could pick from an emailed list. Mayor Marshall stated that everyone would need to check their email. Councilwoman Nash asked if a list could be sent by both text and email. Mayor Marshall stated he could text to let everyone know to check their email.

Clerk Greer asked why the pump and haul ordinance would not work for the hotel. Councilwoman Nash stated she believed it was the cost, it is cheaper to pay a town sewage bill. Councilman Russell stated it's part of your profit and loss statement. Councilman Russell asked J Stauffer what the pump and haul system is going to cost. J Stauffer stated it would be \$250-\$500/month and the system cost is about \$5000.

Mayor Marshall stated he and others had understood that any building already hooked into the system could continue to use the system, but that is not the case.

C Burton asked how this would affect the library. Public Works Director Siegert said the health department is not concerned about the library's usage.

Councilman Russell stated we are hamstrung until we get the sewage thing under control; he stated we would have find the money to fund an engineer. Councilman Russell stated this is three times we could have a business in the hotel to bring revenue into town, we could have the Mexican restaurant doing something and bringing revenue into town. Councilman Russell stated this needs to be job one above everything else in his opinion if we ever want to have a vibrant business district again.

Councilman Russell asked if there was any progress on the one way sign in the alley. Public Works Director Siegert stated he had the signs but had not installed them yet.

Councilman Russell stated there was a question at the last meeting regarding the 599 grant for the police department. He handed out papers to the council and mayor. Councilman Russell stated he wasn't sure how we got sidetracked, but the handout tells you everything you need to know. Councilman Russell said the question was asked if we had to put in so many hours and the honcho said that was not an issue; it may have been at one time, but not anymore. Councilman Russell stated we don't have to have a police department to get it; he marked it on the paper. Councilwoman Nash stated you can dissolve the police department once you receive the funds and continue getting the funds, ours is \$21,000.

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Councilman Russell handed another paper to the council and mayor showing the number of police officers for various places throughout the country; according to that, we are overpoliced as it stands now. Chief Greer offered to resign. Councilman Russell stated he was not asking Chief Greer to resign. Councilman Russell stated that he brought it up because Councilman Parks had mentioned hiring another officer at the last meeting; he stated the police department is overstaffed according to the handout. Chief Greer stated he had not asked for another officer, the town cannot afford it.

Councilman Welch had no updates at this time.

Councilwoman Nash stated the Old Fashioned Christmas was fantastic.

Mayor Marshall thanked the employees, council, and volunteers who had helped with Old Fashioned Christmas, he had heard wonderful things about it.

Councilwoman Nash stated she had received a message on Facebook that called the event a festival; she stated it was packed. Councilwoman Nash stated that someone had told her they did not attend because they couldn't find parking. Councilwoman Nash stated there were no arguments, no fights, everyone was very kind.

Councilman Russell thanked Shirley and Aaron; Aaron had worked his guts out for three or four days. Councilman Russell thanked Karon Eichelberger and Diann Bendix, Dr Nash. Councilman Nash thanked Max Bendix. Councilwoman Nash stated her garage had been the hot spot for weeks. Councilwoman Nash stated that K Eichelberger was very helpful.

Councilwoman Nash stated she had some receipts for Clerk Greer.

Councilman Matthews had no updates at this time.

Chief Greer had no updates.

Public Works Director had no updates.

Clerk Greer asked Councilman Russell if he had spoken to J Bowden about serving on the Board of Zoning Appeals. Councilman Russell stated J Bowden agreed.

Councilman Russell stated we had discussed hiring someone to be the walking boss for the grant. Councilman Russell had spoken to K Eichelberger and she did not want to do it; he stated she would only do it if we couldn't find anyone else. Councilman Russell stated K Eichelberger had called two or three other people and everybody said no so far. Councilman Russell stated K Eichelberger didn't want to work on the grant alone, she would want someone to help her, but she really had no interest in doing it.

Councilman Russell stated the town needs to find someone to help with the grant because everyone is slammed.

Councilman Matthews stated he had spoken to Shannon (Alexander at ANPDC) since the last council meeting and she had alleviated some of his fears regarding that. Councilman Russell stated he had spoken to her too. Councilman Matthews stated that S Alexander shared that there is a lot of grant work to be done, but the ANPDC is there to help with that.

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Councilman Russell stated he was concerned about only having 90 days to get the downtown businesses stuff taken care of by December 12; he had started moving in that direction, but 90 days at Christmastime. Councilman Russell stated that S Alexander had called Doug (Ellis of DHCD) and they agreed to work with him. Clerk Greer asked Councilman Russell if he was referring to the Main Street Program he was working on; he confirmed. Clerk Greer asked if it had been postponed. Councilman Russell stated it was temporarily on hold, we have a stay of execution.

Clerk Greer asked for information regarding the flags for veterans; she stated someone had posted information on Facebook stating order forms were available at the town office. Clerk Greer stated the council had not determined a price. Councilman Welch stated he believed the current cost was approximately \$75, charging \$90 would cover any changes or additional materials. Clerk Greer stated that the order forms at the office had \$60 on them, the flags are \$60 and the brackets are \$60. Councilwoman Nash asked if the town could charge \$90 and any leftover money be used towards replacing brackets later if they were needed. Public Works Director Siegert stated all of the brackets need to be replaced since we are anticipating 24 flags and only have 12 poles. Councilwoman Nash asked if there would be a flag on each side of the pole. Public Works Director Siegert confirmed and stated he could hang town flags if there are not enough flags for veterans; \$90 will cover the flag and half of the bracket. Councilman Russell suggested charging \$100 per flag. Clerk Greer asked if the town office would be handling the money and who should the checks be made payable to. Councilwoman Nash stated checks should be made out to the town and the town will pay the bill. Clerk Greer stated she would contact the American Legion for corrected flyers.

New Business

Councilman Matthews made the motion to adopt an ordinance changing town elections from May to November and extending current terms from June 30 to December 31 of the election year. Motion was 2nd by Councilman Welch. Ayes - Russell, Nash, Matthews, Welch. No - none. Motion passed unanimously.

Councilman Matthews made the motion to have Mayor Marshall sign the Administration Agreement between the town and ANPDC pending the full grant offering from DHCD. Motion was 2nd by Councilman Russell. Ayes - Russell, Nash, Matthews, Welch. No - none. Motion passed unanimously.

Councilman Matthews made the motion to have Mayor Marshall sign the Amended Agreement for Professional Services between the town and Hill Studio. Councilman Matthews stated they had previously done work on the grant application and had offered a reduced price if they were awarded the business upon the grant award. Councilman Matthews explained services provided for in the contract included design services, bidding, overseeing the construction, and other tasks itemized in the agreement. Councilwoman Nash asked if the town would have final approval on work to be done. Councilman Russell asked if there will be any penalties for changes to any plans; he stated the firm the town used on the last grant charged an exorbitant fee for every little change. Councilman Matthews stated he could not answer that. Councilman Russell stated that he was concerned we would need to make some type of change. Clerk Greer stated changes would have to be approved by DHCD; she will check with Hill Studio about the potential for more charges, but the document needs to be signed prior to the meeting Friday 12/13. Clerk Greer suggested noting Wayne is approved to sign pending confirmation that Hill Studio will not charge extra for making changes if the council agreed. Councilwoman Nash asked if the town would have the authority to make changes. Councilman Matthews stated that Hill Studio would work with the town and different grant committees to approve designs for improvements. Councilman Matthews stated that people had the opportunity to pick which committees they wanted to be on when the committees were created during the grant application period starting two years ago. Councilman Russell stated he is okay with reasonable charges for changes and the town maintaining control

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and being allowed to make changes. Councilwoman Nash asked which council members were on the committee. Councilman Matthews stated that he, Mayor Marshall, and Councilman Russell are.

Councilman Matthews stated that the Project Management Plan formalizes the work done leading up to the grant being awarded; the PMP outlines who will oversee the work, what work has been agreed to, lists members of each committee, and who is responsible for each task, and distribution of funds. Councilman Matthews stated that business owners will work with Hill Studios on facade design while staying within their budget. Councilwoman Nash stated that she was concerned because a lot of people did not want the band shell in the mini park area for \$150,000; she asked if that is set in stone or can it be changed. Councilman Matthews stated that the band shell was part of the design process that had taken two years. Councilwoman Nash stated it was presented at the last grant application meeting. Councilman Russell asked would we be able to make changes if a piping plover nest or Indian burial ground is uncovered. Councilman Matthews confirmed that we could make changes. Clerk Greer stated that she understood that the grant committee can make changes, but they would have to be approved by DHCD.

Councilman Matthews made the motion to have Mayor Marshall sign the Project Management Plan. Motion was 2nd by Councilman Welch. Ayes - Matthews, Welch. No - Nash. Councilman Russell stated his vote is aye pending clarification that the town maintains final authority. Motion passed.

Councilman Matthews made the motion to have Mayor Marshall sign the Amendment to Agreement for Professional Services. Motion was 2nd by Councilman Welch. Ayes - Matthews, Welch. No - Nash. Councilman Russell stated his vote is aye pending clarification that there will be no unreasonable charges from Hill Studio for changes to the plan and the town maintains final authority. Motion passed.

Councilwoman Nash made the motion to drug test all current full time employees starting January 15, 2019. Motion was 2nd by Councilman Russell. Ayes - Welch, Nash, Russell. No - Matthews. Motion passed.

Clerk Greer asked if the two part-time employees had requested would be exempt. Councilwoman Nash replied no.

Councilwoman Nash made the motion to drug test all full and part time employees beginning January 15, 2019. Motion was 2nd by Councilwoman Russell. Ayes - Russell, Nash. No - Matthews, Welch. Councilwoman Nash asked Councilman Welch why he changed; Councilman Welch stated he was only voting no to the amendment to include part-time personnel; he wants full-time employees only tested. Mayor Marshall voted aye to break the tie. Motion passed.

Councilwoman Nash made the motion to amend the current drug policy to include random testing monthly. Motion was 2nd by Councilman Russell. Councilman Welch stated he would like to discuss; he stated that if they added random testing to the drug policy, they needed to also add effects. Councilwoman Nash stated that was already in the policy. Councilman Welch stated that he thinks they should include testing if there is an incident. Councilman Russell stated that he knows officers with the county are required to be tested for drugs if they are involved in an accident. Councilman Matthews stated the town will not be able to pick the frequency of testing for random testing; he stated monthly testing with the cheapest option would cost \$600 Clerk Greer added that the initial testing would cost about \$500 for a first year cost of \$1100. Councilman Matthews stated that the town will not be able to dictate terms and frequency; we know everyone who works for us and we would know. Councilman Matthews stated he doesn't care what the employees do on the weekend.

Councilman Russell stated that he doesn't want to be tested for nothing, but common sense tells you that if you are running a municipality or a business or a school system, you've got to cover your butt; it's just good business. Councilwoman Nash

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stated that the insurance company would not cover the town if we don't do random testing. Clerk Greer stated that she had spoken to VML about that when they are here about six weeks prior and the town is covered regardless of whether we do random drug testing. Councilman Matthews stated it is considered a medical condition and is covered by HIPAA; if an employee admits to a problem, you have to find them help.

Mayor Marshall asked that everyone do their homework and come back to the January meeting with facts regarding cost and administration of a random policy. Mayor Marshall asked Clerk Greer to send the current policy out to all employees.

Councilman Matthews made the motion to go into Executive Session for personnel matters. Motion was 2nd by Councilman Russell. Ayes - Matthews, Nash, Russell, and Welch. 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

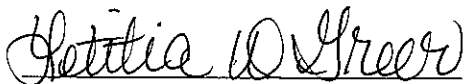
WHEREAS, Section 2.2-3711(A) of the code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia Law;

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.

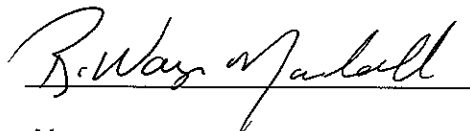
Councilman Matthews made the motion to return to regular session. Motion was 2nd by Councilman Welch. Ayes - Matthews, Nash, Russell, and Welch. No - none. Motion passed unanimously.

Councilman Russell made the motion to adjourn. Motion was 2nd by Councilwoman Nash. Ayes - Matthews, Nash, Russell, and Welch. No - none. Motion passed unanimously.

Meeting adjourned at 9:21.



Clerk



Mayor