

Cheriton Town Council Minutes

October 24th, 2018 7pm

Town of Cheriton

Attendance:

Council:	Staff:	Public:
Mayor Larry LeMond	Stacey A. Sparrow, Clerk	19
Vice Mayor Robert 'Bo' Lewis		
Norma Spencer		
Matthew Yancy		
Jackie Davis		
Barry Downing		

Call to Order 7pm

Pledge of Allegiance

Invocation- Barry Downing

Adoption of Agenda - Addition Statement by The Mayor after Old business. Motion to accept with addition, Bo Lewis, 2nd Norma Spencer, Unanimous.

Approval of Minutes from 9-26-2018, Motion Bo Lewis, 2nd Norma Spencer, Unanimous.

Presentation from Elaine Meil with ANPDC- Ms. Meil gave the council and citizens of Cheriton ideas for downtown revitalization projects and grants that are available from the state and other organizations. She suggested the town access the online VDOT work order system to work on sidewalk improvements and road improvements. Ms. Meil suggest a business group organize to be elligable for grants such as the Main Street program which does require extensive time, funding matches from the town and training for staff and organizers.

Jackie Davis also suggested we look into smaller grants for the park through places like the Dept of Conservation and recreation that allows plants, gazebos, benches, bathrooms etc.

Next on the agenda was the appointment of a new council member to fill the vacancy from Councilman Wesley Travis' resignation. Due to code changes the council will hold off on selecting an individual until the state and town ordinances are researched and the town gets approval for a special election from the courts.

Matthew Yancy- We should allow all persons interested in accepting this positon to speak to council and the public before a vote is taken.

Town Clerk Report"

Stacey Sparrow requested that the General Fund and Refuse accounts be combined for better financial tracking due to the new credit card system that is being utilized. Vice-Mayor Robert Lewis made the motion to combine both accounts and it was second by Matthew Yancy and was unanimous.

Public Comment #1

Rita Berger, Mill St.- What is the status on the flood insurance and FEMA program?

Joe Habel, Sunnyside Rd.- Was the appointment of the a new councilman a action item?

Everyone should be here tonight if they are interested in the position. The town charter is the town charter and we have always followed that to appoint vacant seats. Being a council member takes more than 3 hours a month. What was the discussion about before the meeting was called to order it seems as if important information was being discussed outside of the meeting being called to order. The playground needs attention and there are certain standards all playgrounds have to meet and ours does not and needs to be addressed.

Terri Tatem, Bayside Road- Never in the Town of Cheriton have we ever had so much disrespect in our town. There is so much hatred it's sickening. I have always been proud until recently to live in Cheriton. There has been hate to Marc & Council. I think you have been appointed and should be able to do that with respect.

Bruce Nutter, Mill St. - I have been working with Lee Goldman from PAPA, I went to Lee myself to see if she would be able to do a scholarship to a town resident. She said yes and it is in the works.

Wesley Travis, Sunnyside Road- I was on the town council for 10 years, we had a general election, and a special election would mean nothing to this town. Council has in the past appointed a person to the vacant positions. We have done it many times; Council needs to pick 1 of the 4 people interested in the positon.

Marc Marshall, Sunnyside Rd- I come to your with a safety concern again, the speeding in town is outrageous. The traffic has picked up again and is even going faster than before. The signs have been placed in the wrong place from the speed study. The resolution and signage placement is off. I am amazed by how fast the cars are going through here. There is no police presence in town unless they are on enforcement. We need to pay attention too and slow down.

Terri Tatem, Bayside Road- I disagree, don't criticize the sheriff's dept. But there are speeders for sure. Sheriff officers are in town.

Bruce Killmon- Northampton Farm Store Bayside Road- On December 22nd I will hold my official open house and am asking permission for the PTO Club to display tractors in town on that day. A motion from Norma Spencer and 2nd from Barry Downing to allow the PTO club to display tractors in town on December 22nd was made. It was unanimous.

Jason VanMarter- Bayside Road- I am asking the council to please allow for a tractor to be placed on the sidewalk inform of the vacant store front beside Northampton Farm Store on that date to draw more attention . The council approved from 10am to 2pm.

Old Business:

Councilwoman Jackie Davis- I was invited on October 3rd to go to Little Italy Restaurant in Nassawadox to attend a meeting for representatives that have been contributing to the Randy Custis Memorial Park Fund. IT was regarding what the park has done to date with funds received from donations to the park to include lighting more ball fields fencing and security for the park. Also discussed were the activities that are available for you on the shore and in the Town of Cheriton.

Larry Lemond- Statement to the Public (attachment #1)

New Business:

- A. Goldman/ PAPA Lease Renewal- please review the lease that was provided tonight and discussion will be had at the November meeting.
- B. Va Clerk Association- Memberships for Stacey and Courtney to the VA Clerk association were approved at 20.00 per person.
- C. Budget Amendments- Due to changes in income budgetary changes have been made to reflect the new expected income for the year. A public hearing will be held November 28th to adopt the amended budget for the 18/19 fiscal year.
- D. The December meeting date has been changed to December 19th at 7pm due to the proximity to Christmas on the regular schedule. A motion from Barry Downing to approve the change was made and was 2nd by Norma Spencer and unanimous.
- E. Clerk Stacey Sparrow addressed the increase in fee's associated with the new credit card system and asked council to approve a 3% convenience fee, similar to other localities locally, to assess to credit card transactions so the town does not incur such high costs. There was a motion from Bo Lewis to approve a 3% Convenience fee and was 2nd by Norma Spencer and was unanimous.

Committee Reports:

- A. Human Resources- The Employee Health insurance renewal is due and the two options to employees of the town include a PPO Plan for 7872.24 annually or a HMO Plan for 5672 Annually. The new plan will include shared costs from the employee and employer with the employee paying 15% of the annual costs and leaving the town to cover 85%. A motion from Jackie Davis to offer the plans described above with employee/ employer shared costs was made with a 2nd from Norma Spencer and was unanimous.

- B. Visionary Committee- No updates next meeting scheduled for Tuesday November 13th at 7pm, all welcome to attend.
- C. Budget and Finance Committee- A public hearing will be held on November 28th to review and pass the amended budget with changes.
- D. Maintenance Committee- The police car needed a new battery and that was purchased for \$163.00. There was a short in the wiring harness that caused the battery to go dead and it has now been fixed.

Warren Wisneski has walked all the ditches that had complaints and is coming up with a plan of review to bring to council and will be addressed at the November meeting.

Barry Downing- What are we going to do with the Police Car if it keeps sitting it will go to waste. Norma Spencer- Look into a possible sale for the car. Barry Downing- Don't split the car sell as one piece do not take out equipment.

Public Comment #2

Nancy Brauer, Sunnyside Road- When he was put on leave why was no investigation done? From FOIA Requests I have been able to gather that the town has over 225,000.00 in various accounts, if the reason is money that's B/S, I'm not buying the story on why he was terminated. You 3 have been trying to get rid of him. From the December 17th meeting Norma Spencer made a motion to authorize the commission of finance and budget (Bo Lewis, Stacey Sparrow) along with Councilman Downing to gather information upon which the Cheriton Town Council will make a decision, regarding the continuance of the existing Cheriton Police Department or reliance on the Northampton County Sheriffs' Dept. And again on June 5th at a Budget work session. Either we are going to have a Police Department or not. Apparently no investigation was done until August 29th. Media was already reporting prior to that date.

Bruce Nutter, Maple Drive- It strikes me odd that decisions are being made about possibly selling the car when a decision has not been made on the police department. Or has it? What is the profit/loss on the car?

Scott Berger, Mill St- Is there some way to protect or store the car until a decision is made?

Rita Berger, Mill St- Maybe the town could start a tradition for Cheriton for New Year's Day or New year's Eve event . Something like a bonfire with hot cider and hot

coco. It could be held at the park. Can the state increase the number of catch basins on the side of the roads so the other ditches do not over flow or find alternate drainage?

Jason VanMarter, Bayside Rd- Can we post and advertise for that qualified person for the police department? Speeding is still a problem in town.

Sheila Triana, Stoakley Court- Could the town or state put in speed bumps to help slow people down?

Geri Carpenter, Sunnyside Road- Proposes the town install signs that read "Please slow down as your driving through town."

Carol Habel, Sunnyside Road- Is there any talk about expanding the boundaries to help growth? Speed is a problem in town even on dead end streets. The police car should be kept it's a investment, at least until a decision is made, it is not costing the town anything to keep it. I am disappointed that there is no appointment tonight for the vacant town council seat.

The next town council meeting will be November 28th at 7pm. Beings no further items of council, Councilman Downing made the motion to adjourn with a 2nd from Bo Lewis and was unanimous.

The meeting ended at 8:40pm.

Attachment # 1

**STATEMENT FROM MAYOR LEMOND
REGULAR MEETING OF TOWN COUNCIL
October 24, 2018**

Re: Former Police Chief Marc Marshall has filed a claim for unemployment benefits. The Town of Cheriton has objected to Mr. Marshall's claim on the basis that his contract termination was for misconduct.

TIMELINE & IMPORTANT FACTS

1. On October 9, 2017, subject to an "at will" employment contract, Mr. Marshall was hired to be the Chief of Police of the Town of Cheriton.
2. Chief Marshall was aware of the need to produce revenue at the time of his hiring in 2017, and in May & June 2018, during the 2018/2019 budget approval process.
3. Chief Marshall's contract was not terminated for budgetary reasons or for reasons related to the production of revenue. *IT HAS NOTHING TO DO WITH REVENUE OR EXPENSES.*
4. The Town has never fully developed or approved a personnel policy, nor is one required for Towns of our size. However, Council believes a written personnel policy should be adopted.
5. In order to address the lack of such a written policy, ^{on} ~~in~~ ¹⁵ August 2018 a committee, consisting of 2 Council members, began work to produce a document that the full Council could review, edit and ultimately approve.
6. As part of that process, these Council members began to interview Town employees regarding their work functions to help establish a job description for each employee.

7. During that interview process, the Town's 2 female employees confided that Chief Marshall's behavior had been inappropriate regarding them as employees.
8. On August 16, 2018, the 2 female employees signed written statements regarding extremely inappropriate behavior and remarks by Chief Marshall.
9. On August 17, 2018, Chief Marshall was placed on paid administrative leave and he was told that there had been accusations against him regarding sexual harassment of Town employees. Chief Marshall stated that he had no idea what he could have said or done to give rise ^{to} ~~any~~ _^ ~~any~~ _A accusations of sexual harassment against him.
10. The female employees have 12 and 15 years respectively as Town employees.
11. Chief Marshall worked for the Town for less than a year.
12. Based upon the Town's excellent experience with these 2 long-term employees, Council found their statements credible.
13. Further, if any of their claims were true, which Council believes they are, Chief Marshall could no longer serve as the Town's only law enforcement officer.
14. Under Virginia law, the Town has the right to terminate Mr. Marshall, and/or any other "at-will" employee, for any reason or no reason.
15. The actions of Mr. Marshall were exacerbated by his position as Chief of Police.
16. Chief Marshall not only held a position of authority, but also a position of power over the 2 female employees of the Town.
17. Chief Marshall's actions also took place during working hours at the Town office.
18. Chief Marshall's misconduct, created problems in the workplace and it ~~is~~ ^{was} incumbent upon Town officials to address the problem.

19. On August 29, 2018, Chief Marshall was notified, in accordance with his contract provisions, that his contract with the Town was terminated effective September 28, 2018.
20. On September 13, 2018 Chief Marshall was fully paid through September 28th, including all overtime and unused vacation and he acknowledged in writing the “full and complete payment due under the terms of the employment contract dated October 9, 2017.”
21. In public meetings and in responses to questions, Town officials purposely avoided any specific reference to sexual harassment regarding Chief Marshall’s termination out of respect for his accusers’ reputations and for his reputation as well.
22. However, Mr. Marshall’s claim for unemployment benefits required a response from the Town to the Virginia Employment Commission.
23. Virginia law from as early as 1978 has made clear: ... “when his acts ... manifest a willful disregard ... [of] the duties and obligations he owes his employer ... Absent circumstances in mitigation of such conduct, the claimant is “disqualified for benefits,” and the burden of proving mitigating circumstances rests up the employee.”
24. Further, since at least 1976, as restated in a 1988 case ...
 - a. “The commission has long taken a position against sexual harassment in the workplace.” [and] ...
 - b. “incidents of sexual harassment at the workplace would be considered a willful violation of the standards of behavior expected of virtually any employee by his employer.” ... [and]
 - c. “Sexual harassment, no matter how trivial, is far more than innocent teasing or horseplay.”

25. **There will be no further comment on this matter at this time.**

In closing, the Council and Mayor want to provide a safe work environment for our employees and sexual has no place in our Town Office.