

Cheriton Town Council

January 23rd, 2019

Regular Meeting Minutes

| <u>ATTENDANCE:</u> | <u>STAFF:</u> | <u>PUBLIC:</u> |
|-----------------------------------|----------------------------------|----------------|
| Mayor Larry LeMond | Stacey Sparrow, Clerk | 13 |
| Vice Mayor Robert 'Bo' Lewis | Warren Wisneski- Building & Code | |
| Councilman Barry Downing | | |
| Councilman Matthew Yancy | | |
| Councilman Greg Hardesty | | |
| Councilwoman Norma Spencer | | |
| ABSENT- Councilwoman Jackie Davis | | |

The Cheriton Town Council meeting was called to order at 7pm followed by the invocation by Councilman Downing and the Pledge of Allegiance.

The agenda was approved with the addition of drainage and audio policy by Councilman Matthew Yancy and a second by Councilman Downing, it was unanimous.

The minutes for the December 19 and January 17 meetings were approved as written with a motion from Councilwoman Norma Spencer and second by Councilman Hardesty, it was unanimous.

Mr. Tim Holloway representing the Randy Custis Memorial Park spoke briefly on the work that Cheriton's donations have been able to allow the park to expand. The park is performing good stewardship with the funds given from Cheriton and other surrounding communities and will continue to do so.

Mayor LeMond informed council that Judge Lewis has approved our special election on November 3rd 2019, and the writ was also approved. The Regular election change has been postponed with the change of our charter. Rob Bloxom will put us on next year's session to approve the change.

Clerk Stacey Sparrow gave a brief report regarding VDot issues around town including a downed stop sign on the corner of Stoakley and Mill as well as the broken drainage grate at the entrance to the town park. VDot has been informed and is working to correct these issues. The meeting with VDot regarding the drainage is still being scheduled and will be held at VDot's earliest convenience. The new recorder for town meetings has been ordered and should arrive before the next council session.

Building and Code Official Warren Wisneski gave council an update to the B&B Contractors case, the case was tried in Northampton County on January 17th, the judge gave Burton another extension until March 24th to clean the lots on Holland Lane to sellable condition.

Public Comment #1

Vince Conroy, Sunnyside Road- Anyone is welcome to come to my yard during one of the fire schools burns to see what it is like during one of these events and how bad the smoke gets.

New Business:

- a) Consideration of Sale for Police Car- the Northampton County Sheriff's office has offered \$25,000.00 for the car pending the Board of Supervisors approval.

Mayor LeMond -The car is a 2017 Dodge Charger with 11,000 miles on it.

Vice- Mayor Lewis- I think it's a good offer.

Councilman Yancy- What is the Kellie Blue Book for the car?

Mayor LeMond- I have not checked the Kellie Blue Book.

Councilwoman Spencer- I am in favor of the sale to Northampton County, it will benefit Northampton and Cheriton also.

A motion to sell the Police car to Northampton County Sheriff's Department for \$25,000.00 and any monies received will be set aside in an escrow account for future use was made by Councilwoman Spencer and second by Councilman Hardesty. It was unanimous.

- b) Consideration of sale of Weapons & Misc.-

Mayor LeMond gave a breakdown of costs the town spent to purchase the below described items:

Shot Gun Remington 870 tactical- \$299

M&P AR15= \$561

Sight for AR15-\$192.00

Glock 22 40 cal- \$455

Northampton does not need the sight for the AR15.

Portable Police Radio Town Paid 600- offer 500

Laser Town Paid 700- offer 700

Radar Town Paid 2182 offer 1900

Total offer is \$4200.00 that is 88% return on our investment.

A motion from Councilman Downing to sell all weapons and misc. for the offered \$4200.00, it was second by Councilman Hardesty and was unanimous.

Larry will notify David Doughty on January 24th of the acceptance of the offers.

Audio Policy-

Mayor LeMond- What type of policy are we looking at and what should be included in the policy.

Councilman Yancy- Motion to record every meeting that is public including Council and Planning Commission on an audio recorder. It was second by Councilman Downing and unanimous.

Drainage-

Councilman Matthew Yancy- while we are waiting to see what VDOT says can we, depending on cost, can the town on a one time basis relieve citizens of water issues then send a letter to explain that there will be a penalty after the town does its due diligence.

Councilman Downing- So the rule is you are responsible for your ditch even if you are the last house on the block?

Councilman Yancy- Can we do a one time and one time only cleaning? If we know for sure the town cleans them, and then sends the letter, with the understanding that next time the homeowner is responsible?

Councilman Downing- I think we should look into costs, consider options, but I think the town is responsible.

Councilman Hardesty- We need to establish an order of urgency first.

Councilman Yancy- Start somewhere so the town's people can see us moving forward.

Councilman Downing- Get estimates on all problems to see overall costs.

Councilman Yancy- what would be the next step?

Councilwoman Spencer- Finding someone to do it is the largest problem of all. My opinion is I think we should spend the budgeted monies and get estimates.

Councilman Downing- George Dilley and Majors Construction are some options for contractors

Building & Code Official Wisneski- one problem in finding a contractor is that they need to be certified land disturbers and that is hard to come by.

Mayor LeMond- Maintenance Committee please get estimated cost for performing the work.

Public Comment #2

Vince Conroy- Sunnyside Road

So the ditch behind my house belongs to me, the town and the fire house? The town should take into consideration the taxpayers.

Old Business-

Pacific Atlantic Maritime Professional Academy- Lease Renewal

At 7:50pm a motion to move to executive session from Vice- Mayor Lewis was made under,

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

AND

§ 15.2-1800. Purchase, sale, use, etc., of real property.

...

B. Subject to any applicable requirements of **Article VII, Section 9 of the Constitution**, any locality may sell, at public or private sale, exchange, lease as lessor, mortgage, pledge, subordinate interest in or otherwise dispose of its real property, which includes the superjacent airspace (except airspace provided for in § 15.2-2030) which may be subdivided and conveyed separate from the subjacent land surface, provided that no such real property, whether improved or unimproved, shall be disposed of until the governing body has held a public hearing concerning such disposal. ...

AND

Article VII. Local Government

Section 9. Sale of property and granting of franchises by cities and towns

No rights of a city or town in and to its waterfront, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, or other public places, or its gas, water, or electric works shall be sold except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of all members elected to the governing body.

No franchise, lease, or right of any kind to use any such public property or any other public property or easement of any description in a manner not permitted to the general public shall be granted for a longer period than forty years, except for air rights together with easements for columns of support, which may be granted for a period not exceeding sixty years. Before granting any such franchise or privilege for a term in excess of five years, except for a trunk railway, the city or town shall, after due advertisement, publicly receive bids therefor. Such grant, and any contract in pursuance thereof, may provide that upon the termination of the grant, the plant as well as the property, if any, of the grantee in the streets, avenues, and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation therefor, become the property of the said city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise. Any such plant or property acquired by a city or town may be sold or leased or, unless prohibited by general law, maintained, controlled, and operated by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for and shall make adequate provisions by way of forfeiture of the

grant, or otherwise, to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

It was second by Councilman Downing and was unanimous.

Councilman Barry Downing left before the session started due to conflict of interest on the topic.

Before the public was dismissed for executive session the next council meeting date of February 27th was announced.

~Executive Session~

Poll – Motion by Vice-Mayor Lewis, Only the PAPA lease was discussed in executive session and to return to open session, second Councilman Hardesty, unanimous.

Poll:

Mayor LeMond- yes

Vice Mayor Lewis- yes

Councilwoman Spencer- Yes

Councilman Hardesty- Yes

Councilman Yancy- yes

Discussion on topic-

A motion to grant an extension to PAPA until February 15th was made to allow documentation and a proposal to be written was made by Vice Mayor Lewis with a second from Councilman Hardesty. It was unanimous.

Motion to adjourn Councilwoman Spencer, second Vice Mayor Lewis, unanimous.

End- 9:30pm

