

May 15, 2024 Council Meeting Minutes

This meeting was available on Zoom.

Mayor McPhaul asked everyone to rise for the Pledge of Allegiance.

Councilman T. Jones led the prayer.

Mayor McPhaul called the meeting to order at 6:30 p.m. with all members of Council present. Town Attorney Richard Matthews was also present.

Adopt Agenda:

Mayor McPhaul advised she needed to add Debbie Broughton from Sussex County Animal Control as a Presenter and under New Business item 18. H. Approval of Anthem Rates. On a motion by Councilman K. Jones, seconded by Councilman Bernstorf and carried the agenda was approved as amended.

Presenters:

Debbie Broughton – Sussex County Animal Control – Ms. Broughton stated the state does not have a law that says you can only have x number of animals per so many acres, it is up to the individual towns and cities to adopt an ordinance for their locality that depicts the type or number of animals allowed within the zoning district. Ms. Broughton went over the state tethering law as well as the heat and cold rule. Ms. Broughton also mentioned Animal Control Officers are available 7 days a week. In the event it's not an emergency call response may wait until the next day, but in the case of an emergency they will respond as quickly as possible.

Citizen's Wishing to Appear:

Calvin Taylor – Mr. Taylor complimented everything the Town has been doing to clean up properties in the Town, and wanted to bring attention to a concern on Lobbs Shop Rd in the trailer park. Mayor McPhaul did advise Mr. Taylor that unfortunately that area is just outside of the Town limits and there is nothing the Town can enforce there, it has to be enforced by Sussex County.

Jesse Hellyer – Chamber of Commerce – Mr. Hellyer thanked the Town and Public Works for all their assistance with yet another successful event in the Town of Waverly, Cinco de Mayo, on May 4, 2024. The next planned event is the First Responders Appreciation Event on June 1, 2024 at the Carpenter Museum from 5pm – 9pm, this is a free event with food for purchase.

Clerk's Report:

- A. **Reading/Approval of April 2, 2024 Budget Workshop Meeting Minutes** – On a motion by Council President Cox, seconded by Councilman K. Jones and carried the reading of the April 2, 2024 Budget Workshop Meeting Minutes were dispensed with as they are a matter of public record and previously provided to Council and were approved as presented.
- B. **Reading/Approval of April 9, 2024 Council Meeting Minutes** – On a motion by Council President Cox, seconded by Councilman K. Jones and carried the reading of the April 9, 2024 Council Meeting Minutes were dispensed with as they are a matter of public record and previously provided to Council and were approved as presented.
- C. **Reading/Approval of May 1, 2024 Public Hearing Meeting Minutes** – On a motion by Council President Cox, seconded by Councilman K. Jones and carried the reading of the May 1, 2024 Public Hearing Meeting Minutes were dispensed with as they are a matter of public record and previously provided to Council and were approved as presented.

Treasurer's Report:

- A. **Treasurer's Report** – Mrs. Morman gave a brief update on the status of the general operating fund as of May 1, 2024. Mrs. Morman stated the auditors have asked for some additional information and needed to re-run some reports and plan to present their findings in June. Mrs. Morman advised Administration is still collecting Personal Property and Real Estate past due taxes that have not been sent for collections. On a motion by Councilman T. Jones, seconded by Councilman Bernstorf and carried the Treasurer's Report was accepted as presented.
- B. **Bills Paid and Presented for Payment** – On a motion by Councilman Bernstorf, seconded by Council President Cox and carried the Bills Paid and Presented for Payment were approved as presented.

Sussex Service Authority Report:

No report. Mayor McPhaul advised their next meeting will be Monday, May 20, 2024.

Planning Commission Report:

Ms. Williams advised they did not meet in May, but will meet on June 6, 2024.

Zoning Administrator – Lee Copeland:

Mayor McPhaul advised Mr. Copeland is working on a few items currently.

Mayor's Report:

Mayor McPhaul made note of how successful the annual 5k was in April and stated proceeds benefited the James House. Mayor McPhaul stated the Carpenter Museum will be hosting a Free Art Camp at the Museum from June 17 – 20 from 10am – 2pm with snacks and lunch provided. Mayor McPhaul also stated on June 19 the Town is sponsoring a Juneteenth event at the Allen W Gibson Park from 5pm – 8pm, this event is will be kid friendly.

Economic Development Authority (EDA):

- A. **USDA – Rural Business Development Grant** – Mayor McPhaul stated this is a \$200,000 grant where someone can borrow up to \$50,000 at 2% interest. Mayor McPhaul also noted she is aware of someone interested in borrowing funds and has the paperwork to complete.
- B. **Industrial Revitalization Fund Grant** – Mayor McPhaul stated this grant is currently on hold as this was originally designated for the Brewery.
- C. **Community Block Loan Grant** – Mayor McPhaul stated this is the shark tank style grant and "pitch night" will be Thursday, May 30 at 6pm at Jessica A. Moore. Top prize will be \$15,000, 2nd and 3rd prizes will be \$10,000 each.

Departments Reports:

- A. **Police** – No one was present from the Sheriff's Department. However stats for April had previously been provided and Mayor McPhaul went over those.
- B. **Public Works** – Mayor McPhaul stated Howard is back at work. It has been scheduled to get the Veteran flags back up in the coming days. It was also noted seasonal grass cutting has begun. Mayor McPhaul also stated once school is out for the summer we'll have 2 part-time guys for summer help.

Standing Committee Reports:

- A. **Health & Safety** – Councilman T. Jones advised he had no report. Councilman T. Jones stated Ms. Britton unfortunately wasn't able to attend the 5k as planned.

- B. **Finance** - Councilman Bernstorf thanked the admin team for all the hard work they complete by getting tax bills out, taking payments and especially helping with the audits.
- C. **Memorial/Beautification** - Councilwoman Norris advised she had no report.
- D. **Public Property** - Council President Cox stated the tree limb that is overhanging the data line on Bank St across from the Ruritan Ball field has been reported and was advised that unless the line is damaged it is the responsibility of the landowner to have is removed.
- E. **Streets** - Councilman K. Jones presented Council with a handout of items that have or need to be addressed since the last meeting. The listed items included an email regarding the Main St railroad crossing and the tree limb on the data line on Bank Street.

Old Business:

- A. **Planning Commission Re-appointments** - Mayor McPhaul advised no new update at this time.
- B. **BZA Appointment** - Mayor McPhaul asked Mr. Calvin Taylor if he would be interest in serving on the board. Mr. Taylor advised unfortunately he is not available as he has taken a part-time position currently.
- C. **Melody Inn Property** - Mayor McPhaul advised the sale of the property has been approved and now the only thing left to complete the process is to get the deed recorded at the courthouse.
- D. **Animal Code Update** - After a bit of discussion Mr. Matthews suggested a conditional use permit be implemented in instances where certain practices may be of a nuisance to others nearby.
- E. **Update to Town Code** - Mr. Matthews advised no new update since last month.

New Business:

- A. **Approval of FY25 Budget** - On a motion by Councilman Bernstorf, seconded by Councilman K. Jones and carried the FY 25 budget was approved as presented.
- B. **National Day of Prayer Proclamation** - Mayor McPhaul read a proclamation for National Day of Prayer recognized on May 2, 2024.
- C. **Water Heater Estimate** - Council President Cox contacted with Griffin Propane to get an idea of the cost of replacing the current older electric water heater with an on-demand tank less water heater. On a motion by Council President Cox, seconded by Councilman K. Jones and carried the water heater estimate was approved as presented with funding from ARPA.
- D. **313 Graydon Circle** - Mayor McPhaul stated she has been made the executor of the estate and with the help of Mr. Matthews they are attempting to locate all of her accounts to have everything consolidated. It was also noted there is more specific information that needs to be discussed in closed session.
- E. **Increase Zoning Permit Fees** - Mayor McPhaul asked Council to consider increasing the current fee for a Zoning Permit Application from \$75.00 to \$100.00. This increase would help offset Mr. Copeland's fees as he charges the Town \$40.00 per hour for his services. On a motion by Councilman Bernstorf, seconded by Councilman T. Jones and carried it was approved to increase the zoning permit application fee to \$100.00 effective July 1, 2024.
- F. **Rescue Squad Property** - Mayor McPhaul stated the Rescue Squad approached her to see if the Town may be interested in purchasing the property across from Town Hall as when they purchased the property a few years back their intentions

was to build a new station there, but the plans have changed and there is no need for the property. It was also noted that more specific information needs to be discussed in closed session.

G. Additional Security System Quote - No information was supplied, item held until the June meeting.

H. Approval of Anthem Rates - On a motion by Council President Cox, seconded by Councilwoman Norris and carried Council approved the Town pay up to 80% of enrolled employees healthcare benefits.

Closed Session:

Council President Cox moved that Council go into Closed Session at 7:53 p.m. under Section 2.2-3711(A)(1)(7) of the Code of Virginia to discuss legal/personnel matters and to include in this session the Mayor, Council, and Town Attorney. This motion was seconded by Councilman K. Jones and carried on a roll call vote with all members of Council present and voting in the affirmative.

Rise and Certify Closed Session:

Council Rose from Closed Session at 8:42 p.m.

Council President Cox moved that Council certify the Closed Session under Section 2.2-3712(d) that to the best of each member's knowledge only public business matters lawfully exempted from open meeting requirements under this chapter and only such business matters as were identified in the motion by which the Closed Session was convened were heard, discussed or considered in the meeting by the public body. This motion was seconded by Councilman Bernstorff and carried on a roll call vote with all members of Council being present and voting in the affirmative.

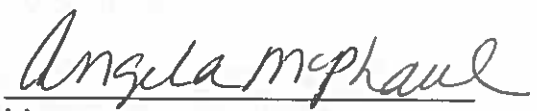
Closed Session Report:

On a motion by Councilman Bernstorff, seconded by Councilman T. Jones and carried the termination of Jameel Parker was approved.

On a motion by Council President Cox, seconded by Councilman K. Jones and carried on a roll call vote with all members of Council voting "Aye" it was approved the Town would loan \$30,000 of proceeds from the water sale interest, if need be, to the Gay Estate for the purposes of a Hazmat contract to clean out the house. This loan is to be secured by a promissory note and lien from the estate.

As there was no further business to come before Council the meeting was adjourned at 8:51 p.m. on a motion by Councilman Bernstorff, seconded by Councilman K. Jones and carried.


Clerk of Council


Mayor