

Onley Town Council Minutes of February 8, 2016

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the VVA Building, 25534 East Main Street, on the 8th day of February, A.D., 2016:

Council Members Present: Jack Pierson, Mayor
Ned Finney, Vice-Mayor
John Dennis
Dawn Dize
Matt Hart
Susan Rillo
Don Strautz

Staff Present: John Spivey, Chief of Police
Jamy Salazar, Treasurer
John Pavlik, Zoning Administrator

Call to Order

Mayor Pierson called the meeting to order at 6:30pm.

Invocation & Pledge of Allegiance

The invocation was given by Matt Hart and the Pledge of Allegiance was led by Susan Rillo.

Adoption of Agenda

Motion: To adopt the agenda by Ned Finney and seconded by Don Strautz.

Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

Closed Session

Motion: To go into Closed Session at 6:32pm in accordance with Section 2.1-344-A of the Code of Virginia of 1950, as amended for the purpose of Paragraph 1: Discussion or Consideration of Personnel Matters pertaining to interviewing a candidate for the position of Town Attorney & the Police Department, specifically related to the disciplinary action taken against Joel Addison by Don Strautz and seconded by Dawn Dize. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

Open Session & Certification of Closed Session

Motion: To return to Open Session at 7:41 by Don Strautz and seconded by Ned Finney. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

A roll call vote was taken immediately after reconvening in Open Session, at which time each member certified by his/her vote whether only the matters previously disclosed were discussed during Closed Session: Pierson-yes; Dennis-yes; Dize-yes; Finney-yes; Hart-yes; Rillo-yes; Strautz-yes.

Consideration of Minutes

Motion: To adopt the minutes of the January 11, 2016 Regular Monthly Meeting by Dawn Dize and seconded by Matt Hart. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

Motion: To adopt the minutes of the January 20, 2016 Recessed Meeting by Dawn Dize and seconded by Susan Rillo. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Chief Spivey asked that Council ratify a motion to repair the 2010 Ford Explorer in the amount of \$635.15. Council was polled earlier in the month via telephone about this repair.

Motion: To repair the 2010 Ford Explorer at a cost of \$635.15 by Don Strautz and seconded by Ned Finney. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

Motion: To approve the revised February 2016 schedule by Don Strautz and seconded by Susan Rillo. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

Motion: To approve the March 2016 schedule by Matt Hart and seconded by Ned Finney. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

Chief Spivey stated that the 2016 Chevrolet Impala was damaged as a result of an officer hitting a deer. The amount to repair the damage is \$5,026.00. VML insurance has approved the cost of repairing the vehicle, less the \$1,000.00 deductible.

Motion: To pay the \$1,000.00 deductible to repair the 2016 Chevrolet Impala by Ned Finney and seconded by John Dennis. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

Chief Spivey stated that when he was appointed to his position as Chief, he was hired as a salaried employee; therefore, he is not paid for any overtime that he works. He asked that Council consider allowing him to accrue comp time since the Department is not at full staff and may not be for a while. Mr. Dennis stated that he thinks that if an employee is on salary, he or she are not eligible for comp time. Ms. Dize agreed. Mr. Strautz stated that it's not that Council doesn't want to give him the comp time; he doesn't believe they can.

Mr. Dennis asked when the door will be repaired on the Dodge Charger. Chief Spivey stated that the door is still functional and there is really no money left in the budget for the repair. He added that Shore Tire has been unable to find a door to replace it. Mr. Dennis stated that he feels the motion to repair the door needs to be rescinded. Ms. Salazar will check the minutes and get back to Council at next month's meeting.

Treasurer's Report

Ms. Salazar stated that at last month's meeting, Vice-Mayor Finney asked her to get a Blue Book value of the 2012 Dodge Charger. She stated that she went to the Kelley Blue Book website and did a very general search based on "good condition" of a vehicle. After plugging in some information about the car, she was given a trade-in value of \$17,760.00 and a private party re-sale value of \$19,783.00. She reiterated that these are just general figures – not entirely specific to our patrol vehicle.

Ms. Salazar stated that Mr. Dennis asked about the 2014-2015 audit. She stated that the audit is complete. She has copies of the audit at the office and if anyone wishes to have a copy, just stop by the office to pick one up or call her and she can possibly email it. She is still trying to pin the auditors down on when they will be coming to present their findings at a meeting.

She asked that Council consider the additional payables when making the motion to pay payables. At this time, she gave an overview of the budget. Mr. Dennis asked about a charge on the credit card. Ms. Salazar stated that was the purchase of the laptop computer with Byrne Jag grant money that was approved at a previous meeting.

Motion: To Pay the January 2016 Payables including the additional payables by Ned Finney and seconded by Susan Rillo. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

Ms. Salazar stated that each Council member has a bank interest rate sheet in their blue folder. She asked that Council allow her to transfer at least \$100,000.00 out of the regular checking account since it is not earning interest.

Motion: To transfer \$125,000.00 from the regular checking account at PNC Bank to an 18-month CD at BB&T Bank by Dawn Dize and seconded by Ned Finney. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

Zoning Administrator's Report

Mr. Pavlik read his report into the minutes. A copy of this report will be attached.

Attorney's Report

In the absence of an attorney, there was no Attorney's Report.

Public Works

Ms. Salazar stated that this month there was a clean-up of storm debris the Monday and Tuesday after the storm that came through. There was a lot of debris in and on the side of the road. There have been weekly clean-ups of the storm drains and litter pick-up. The pampas grass has been cut back at the Town signs and they have continued with cleaning the leaves from the "gutters" or sides of the road. She added that she has not heard anything about the sidewalk repair but she feels that the issue is that VDOT and ANEC cannot agree on whose responsibility it is. She stated that ANEC did remove some of the old utility poles as recently as today. Mr. Dennis asked if we have anybody to spray for mosquitoes. Ms. Salazar stated that Michael Scott came by the office recently and stated that he is no longer employed at his other job so he is willing to spray for us and should be able to be more flexible. Mayor Pierson and Mr. Dennis both stated that they feel he should use our equipment- not his. Mr. Finney agreed, stating that since we have our own equipment, we should be using it.

Planning Commission Report

Mr. Whitaker stated that they are almost finished with their zoning revisions and they will hand the report over to Council once they are finished. He added that their next meeting is on February 24th at 7:00pm. Mayor Pierson asked Mr. Pavlik if he works with the Planning Commission. Mr. Pavlik replied that he has on occasion but he cannot always make their meetings.

Old Business

Mayor Pierson stated that Council met tonight with the second of the two candidates for the attorney position. He asked that Council make a decision based on the information they have gathered.

Motion: To hire Michael Sterling for the position of Town Attorney by Ned Finney and seconded by Matt Hart.

At this time, Ms. Dize stated that she would like it put in the minutes that Mr. Sterling is willing to accept the same fees as the previous attorney. Mayor Pierson stated that he did not believe that was correct. Mr. Finney agreed with Mayor Pierson. Ms. Dize clarified that she meant the fee for attending the meeting is the same as the previous attorney's. At this time, a vote was taken on the previous motion.

Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

Mr. Finney asked to clarify that his motion was to appoint Mr. Sterling to the position – not hire. Mr. Hart & Council were friendly to the change so a new motion was made.

Motion: To appoint Michael Sterling to the position of Town Attorney by Ned Finney and seconded by Matt Hart. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

Motion: To move the Onley Town Council's Regular Monthly meeting back to the first Monday of the month starting March 2016 by Don Strautz and seconded by Dawn Dize. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

In the matter of the new town office, Mayor Pierson apologized that his contact did not come through with the sketches and information that he has promised. Mr. Dennis said that since this is an election year, he would like to hold off on making any building decisions until the new Town Council is in place. Mayor Pierson disagreed but asked Council what their wishes are. Council agreed to table the matter for now.

New Business

There was no new business.

Public Comments

Mayor Pierson read the Rules for Public Participation at this time.

Rose Pierson signed up to speak but stated that she did not wish to at this time.

Laura Thomas of 25620 Coastal Blvd stated that she has concerns about the police officer who has been allowed to ride illegally with his service weapon for almost a year. She worked for many years with the domestic violence program. She stated that she would like to know how someone with a protective order was hired. She stated that she is most concerned with how this matter slipped by the person performing the background check and how do we know that it won't happen again. She would like to have that issue addressed tonight. She would also like to know how this issue will affect people who were written tickets by this officer over the past year. She concluded by saying that she came to the Town Office to get some information and less than thirty minutes later, her son called her and said that the police were there to speak with her. She took that as a bullying tactic because she made a statement in the office that she had concerns. At this time, Mayor Pierson asked Ms. Thomas to wrap things up since she had exceeded her three minutes. Ms. Thomas stated that she was finished speaking and thanked everyone for their time. Mayor Pierson asked Chief Spivey to address Ms. Thomas' concerns. Chief Spivey asked to hear all of the public comments before he spoke so that he could address their concerns at one time.

Wanda Marks of 25439 Lakewood Drive stated that Ms. Thomas has addressed a lot of the questions that she has as well. She stated that she knows there is a policy and procedure in place for hiring and she wants to know that the policy and procedures were followed. She added that with a salary of \$45,000.00, plus a 5% raise, should comp time even be considered?

Billye D. Custis of 25540 Caroline Avenue stated she, too, has the same concerns as Ms. Thomas and Ms. Marks. She has had numerous phone calls and she cannot go to the post office without someone stopping to ask her about this matter. She stated that everyone she has talked to has said there is no way that a protective order would not show up on a background or a DMV check so she wants to know how it was missed.

Mayor Pierson said that he wonders why so many people are calling Ms. Custis with their concerns when they could have called the office and spoken with the proper people who are actually informed about this matter.

Chief Chris Davis spoke on behalf of the OVFD. He thanked the Town for the donation of the vehicle. He added that he wants to openly establish an open line of communication with the Town Council since he feels there is a lot of misinformation circulating. He told Council that the OVFD's response reliability prior to his being Chief was 30% and it is now at 98.4%. They will be picking up a second ambulance

tomorrow and hope to capture the other 2%. Mayor Pierson asked about the rumor to move the firehouse. Chief Davis responded that their plans are to build a new firehouse in the next three years. He reiterated that they are not leaving the town by any means.

Deborah Bliss signed up to speak but stated that she did not wish to at this time.

Mary Wardius, 26153 E. Main Street, introduced herself and her husband, stating that they are new to Onley and they have really enjoyed their time here. She added that Jamye Salazar and the Police Officers have been really helpful to them.

At this time, Mayor Pierson asked Chief Spivey to respond to the residents' concerns. Chief Spivey stated that he is always happy to address citizens' concerns and he is thrilled that the citizens care enough to come and make sure that the Police Department is following policy and procedure. In the matter of Joel Addison, Chief Spivey stated that he was not allowed to talk about any of it. The office and all of its employees had strict instructions not to discuss the matter as well. He stated that the internal investigation into this matter has been concluded. He stated that a conclusion has been reached but at this time, he is unable to comment as to what that is. In the matter of the criminal histories, the proper checks were made. The reports were run on December 28, 2014 and provided by Christine Phillips, a dispatcher at the ACSO. The protective order was not discovered. It was not in the paperwork that he received. He cannot speculate as to why it wasn't there – he just doesn't know. He added that he has been in law enforcement for nineteen years and has dealt with numerous protective orders. He understands how they work and what they mean. He stated that he cannot give you any information about the protective order specific to Joel Addison. Chief Spivey said that if there are cracks in our hiring process they will be addressed and fixed. He does not want this type of thing to ever happen again. Chief Spivey concluded that he tried to reach out to everyone who had concerns about this matter and his attempts were rebuked by almost everyone.

Ms. Marks asked Chief Spivey why the Town of Exmore could pick it up and we couldn't. Chief Spivey stated that he does not work for the Town of Exmore and he is unfamiliar with their policies and procedures so he can't speak to that. Ms. Marks then asked Chief Spivey if he was saying that the ACSO lost it. Chief Spivey reiterated that as he reviewed the documentation provided to him in the criminal history check, it was not there. Ms. Marks asked that the public and the Council look into this matter since you do have to keep a driving record and a fingerprint record. Chief Spivey stated that there is a log on every criminal history that is done at the ACSO and this one is there and that is a matter of public record. Ms. Marks stated that if Chief Spivey ran the criminal history check, it should be in their file and it is not there. Chief Spivey stated that he is unsure what file Ms. Marks is referring to. Ms. Marks asked Chief Spivey if he knew that Joel Addison was let go from the Virginia State Police and the Richmond Housing Authority. Chief Spivey said "that statement is not entirely accurate but I am not at liberty to discuss personnel matters." Ms. Marks said that Council needs to contact Sheriff Todd Godwin and see if the criminal history was done. Chief Spivey replied that it was done and there is a log to prove it. He further added "I'm not sure what else that I can say, I've told you numerous times that it was done and there is a record of it." Ms. Marks asked Chief Spivey if a criminal history, driving record, fingerprint and a background check were done. Chief Spivey replied that they were. Ms. Marks asked Chief Spivey if he knew there was an EPO on Officer Addison. Chief Spivey replied that he did not until the day of the accident.

Ms. Marks asked if the statement was made that ACSO lost the record. Chief Spivey stated that he will not allow Ms. Marks to "muddle things up". He further added that he did not say that anything was lost nor has he ever questioned anyone's practices. Billye D. Custis asked if the protective order came up in the DMV report. Chief Spivey stated that it did not and that would have been all in the same process.

Ms. Bliss stated that she feels the problem that needs to be addressed is why the protective order did not show up and let's make sure that it doesn't happen again. Ms. Marks stated that this is not personal

against Chief Spivey, but until she speaks with Sheriff Godwin, she does not believe that the report was run.

Mr. Strautz asked Ms. Marks how she has obtained her information, particularly the information about the Exmore Police Department. She stated that she was told by a police officer but she doesn't have to discuss that. Chief Spivey stated that he thinks he knows what Ms. Marks is asking for and he should be able to provide it to Council at next month's meeting.

Chief Davis stated that this is a very sensitive subject but he knows this police department and he trusts them and feels that if Chief Spivey says that he did something – he is sure that it was done. Ms. Bliss stated that Chief Davis does not live in Onley so she thinks that should end the discussion.

Council Comments

Mr. Hart thanked everyone for coming to the meeting. He agreed with Chief Davis that if Chief Spivey says that procedure was followed, he believes that it was. Chief Spivey has never given them a reason not to trust him. He thanked Chief Davis for all that he does and agreed that he would like to keep the lines of communication open.

Ms. Rillo thanked everyone for coming. She stated that it would be nice to see so many faces at the meetings all of the time. She reiterated Mr. Hart's statement that she supports Chief Spivey, Mayor Pierson and the entire Town Council. She will make sure that everyone's questions get answered.

Ms. Dize stated that sometimes regardless of how careful you are, mistakes happen. She would like to see someone independently perform the background checks perhaps involving our attorney. She stated that we are all very concerned but she does believe that Chief Spivey does a good job and it is unfortunate that some people are not honest.

Mr. Dennis thanked everyone for coming and asked that they come back. There are answers that the Council cannot give right now, but they are going to continue to look into this matter and learn from their mistakes.

Mr. Strautz stated that he is sorry that this matter has exposed such a nerve but it is obvious that we had someone who misrepresented himself. He feels that what needs to happen now is that we learn from this and make sure that it doesn't happen again. He thanked everyone for coming.

Mr. Finney stated that he has known Chief Spivey for some time now and he is the most "by the book" person that he has ever known. He stands behind Chief Spivey and believes that if he says he did the proper checks, then they were done. He apologized for this situation but added that a few years ago under another administration, we had an officer who was hired twice and was caught driving drunk; the point being that things happen and life is not perfect but we learn from things and move on.

Adjourn/Recess

Motion: To adjourn at 8:53pm by John Dennis and seconded by Matt Hart. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

Respectfully submitted by,

Jamye Salazar
Treasurer

Jack Pierson
Mayor