

Onley Town Council Minutes of June 6, 2016

VIRGINIA: At a Public Hearing for Proposed 2016-2017 Budget & Regular Monthly Meeting of the Onley Town Council held at the VVA Building, 25534 East Main Street, on the 6th day of June, A.D., 2016:

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

Council Members Absent: Don Strautz

Staff Present: John Pavlik, Zoning Administrator
Jamy Salazar, Treasurer
John Spivey, Chief of Police
Michael Sterling, Town Attorney

Town Council Public Hearing for Proposed 2016-2017 Budget

Call to Order

Mayor Pierson called the Public Hearing to order at 6:31pm.

Rules for Public Participation

Mr. Sterling read the Rules for Public Participation.

Presentation of Proposed 2016-2017 Budget

Ms. Salazar presented the 2016-2017 Proposed Budget. A copy of that budget will be attached to the minutes.

Public Comments Regarding Budget

Billye D. Custis asked about a \$1,000.00 difference in the General Government and Public Works line items. Ms. Salazar explained that amount is the litter grant which is included in the Grant Income/Expense Funds.

Adjourn Public Hearing

Motion: To adjourn the Public Hearing at 6:37pm by Ned Finney and seconded by Susan Rillo. Roll Call

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

Regular Monthly Meeting

Call to Order

Mayor Pierson called the meeting to order at 6:37pm.

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 Dawn Dize and seconded by Matt Hart.

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

Consideration of Minutes

Motion: To accept the minutes of the May 2, 2016 Regular Monthly Meeting by Susan Rillo and seconded by Matt Hart. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-absent; Finney-yes. MOTION PASSED

Motion: To accept the minutes of the May 9, 2016 Recessed Meeting/Budget Workshop by Susan Rillo and seconded by Matt Hart. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-absent; Finney-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Chief Spivey stated that they have investigated some pretty serious incidents this month including a breaking and entering and a felony vandalism.

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

Motion: To ratify the approval of the repair of the 2009 Dodge Charger in the amount of \$1,713.05 by Ned Finney and seconded by John Dennis. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-absent; Finney-yes. MOTION PASSED

Treasurer's Report

Ms. Salazar gave her report at this time pointing out that we did receive a sizeable amount this month for bank franchise tax.

Motion: To Pay the May 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-absent; Finney-yes. MOTION PASSED

Motion: To transfer \$200,000.00 from the Regular Checking account at PNC Bank to a 24-month CD at Suntrust Bank with an interest rate of .90% by Dawn Dize and seconded Ned Finney. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-absent; Finney-yes. MOTION PASSED

Zoning Administrator's Report

Mr. Pavlik read his report into the minutes. A copy of his report will be attached to the minutes. Ms. Dize asked Mr. Pavlik about the building next to the Sage Diner adding that it is really looking bad and in need of some attention. Mr. Pavlik stated that he has been in touch with the owners and they are trying to get it sold. He added that the County's property management laws are not very strong at this time.

Attorney's Report

Mr. Sterling stated that along with working with Mr. Pavlik to clean up some properties in town, he has also worked on the matter of the resignation of Councilman Strautz. He stated that should Councilman Strautz not take the oath, we will need to petition the Court to schedule a Special Election. Mayor Pierson stated that Mr. Strautz will not take the oath – he is gone. Mr. Sterling said that we could start the process but we will need to give him the time to “not take the oath”. Mr. Finney asked if we can appoint someone to fill his position. Mr. Sterling stated that we can but their term will expire once we have the election. Mr. Sterling stated that there are two separate issues. The Council will need to appoint someone to fill the empty seat but the Court will set the date for the election. He added that

the sooner we petition the court; the sooner they may set the election – perhaps prior to November. Council decided to have Mr. Sterling proceed with petitioning the court and to discuss the possibility of appointing someone at the July meeting.

Public Works

Ms. Salazar stated that the crepe myrtles are being treated with something to kill the growth around the bottom. Mr. Simpson will need to continue the treatment for about 8 to 10 more days to see if it is working. Otherwise, it may need to be manually removed. They are cutting grass weekly. Bruce has been here two days a week for several weeks working with Ms. Siglin on the beautification project. The sidewalks have been sprayed and they will begin grass removal within the next couple of weeks. Council has asked if he is willing to do some sidewalk edging and he has said that he will. Mr. Dennis asked about the grass at the railroad track. Ms. Salazar said that it will be taken care of soon. Mr. Finney thinks that the growth on the crepe myrtles is just smaller trees. He suggested that we cut them off six feet up and let them come up again. Council did not want to do that. Mr. Finney asked Mr. Sterling if we are allowed to edge the sidewalks or if we need to get permission from property owners. Mr. Sterling suggested that Mr. Pavlik look into that matter. Ms. Rillo asked that they not spray the sidewalk grass with poison this year since last year it killed a lot of her grass. Ms. Salazar stated that was VDOT. She can call them and request that they not do that again.

Planning Commission Report

Rose Pierson stated that Ms. Salazar has received the changes made to the Comprehensive Plan from Lois Ann and they will have copies of it at the next meeting on June 22nd.

There are still vacancies on the Planning Commission if anyone is interested. Ms. Siglin stated that the Commission needs someone to be educated and certified.

Old Business

Mr. Finney stated that the reason he is not favor of the Hazardous Duty Supplement is that we are tied to this forever and he does not want this Council responsible for binding future Councils.

Motion: To deny the Hazardous Duty Supplement at this time by Ned Finney and seconded by John Dennis. Roll Call Vote: Hart-no; Rillo-yes; Dize-yes; Dennis-yes; Strautz-absent; Finney-yes. MOTION PASSED

Ms. Rillo stated that she doesn't understand the logic behind Mr. Finney's reason since Council has made other decisions in the past that bind future Councils. Mr. Finney stated that he just does not like all of the uncertainty of the entire program. There was a bit of discussion on this topic. The above vote was taken at this time.

Mr. Finney stated that again this week, someone came into the Town Office to complain about Chief Davis and the OVFD.

Motion: To split the ATL grant money between Onancock and Tasley Fire Companies by Ned Finney and seconded by Susan Rillo. Roll Call Vote: Hart-no; Rillo-yes; Dize-no; Dennis-yes; Strautz-absent; Finney-yes. MOTION PASSED

Ms. Salazar stated that we received one response to the RFP for the 2015-2016 Audit. That response was from Robinson Farmer Cox Associates in the amount of \$7,500.00. A copy will be attached to the minutes.

Motion: To accept the bid from Robinson Farmer Cox Associates in the amount of \$7,500.00 by Ned Finney and seconded by Dawn Dize. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-absent; Finney-yes. MOTION PASSED

New Business

Mayor Pierson stated that each Council Member has received a copy of Don Strautz's resignation letter. He stated that we wish him well and asked that Council accept it. A copy of the letter will be attached to the minutes.

Motion: To accept the resignation of Councilman Don Strautz by John Dennis and seconded by Dawn Dize. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Finney-yes. MOTION PASSED

Ms. Salazar asked for Council's approval to purchase a drum of Biomist in the amount of \$1,883.75. Ms. Dize said she thought we had some. Ms. Salazar stated that we had one drum and a portion of a second. Mr. Scott stated this week that he has finished up the portion of a drum and has started using the last one. Ms. Salazar feels that since there is money in this year's budget, we should order it now in case we need more before the end of the season. Mr. Dennis stated that the other day at 5:30am, the town mosquito truck was sitting idle outside of town with the sprayer going for quite some time. Mayor Pierson agreed with Mr. Dennis that we have a problem with this guy but unfortunately he is the only one certified to spray. He added that he will talk with him about this matter. Ms. Rillo questioned what time he is actually doing the spraying. Ms. Salazar stated that it is supposed to be at 5:00 – 5:30 am but she has had reports of it happening much later.

Motion: To purchase Biomist in the amount of \$1,883.75 by Dawn Dize and seconded by Susan Rillo. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Finney-yes. MOTION PASSED

Ms. Salazar stated that the Public Works contract with Simpson's Lawn Care LLC is set to expire on July 1, 2016. There are two one year extensions in the contract which may be executed should Council and Mr. Simpson agree on terms. Mr. Simpson has stated that he is willing to continue the contract as is for an increase of \$100.00 per month making the total contract price for the year \$19,200.00. Council agreed adding that they have been satisfied with his work this past year.

Motion: To extend our contract with Simpson's Lawn Care LLC for one year with an increase of \$100.00 per month by Ned Finney and seconded by Susan Rillo. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Finney-yes. MOTION PASSED

Council agreed to come back on June 20, 2016 to adopt the 2016-2017 Proposed Budget. The meeting will be at the Town Office.

Ms. Salazar stated that the renewal date for the employee insurance coverage is August 1, 2016. She added that the current proposal is for an increase of 7% and we did budget for 10%. She recommended that they accept that proposal but also added that if Council is not happy with that, she can search for a less expensive option.

Motion: To accept the employee insurance renewal of the current plan from Anthem with an increase of 7% by John Dennis and seconded by Susan Rillo. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Finney-yes. MOTION PASSED

Mayor Pierson reminded everyone that the July 2016 Regular Monthly Meeting will be on Wednesday, July 6, 2016 due to the July 4th holiday.

Public Comments

Ted Bliss commented that he was very pleased with Simpson's Lawn Care Service after the last clean-up and he is very happy that Council renewed their contract.

Jan Siglin signed up to speak but declined at this time.

Billye D. Custis signed up to speak but stated she did not wish to at this time.

Rose Pierson signed up but did not wish to at this time.

Council Comments

Mr. Finney stated that his comment is specifically for Matt Hart. Mr. Finney said that his decision to vote against purchasing the property across from the Town Office was not anything personal against Mr. Hart

– he just felt it was the best decision for the Town. He stated that Mr. Hart will no longer speak to him and had also refused to speak to Mr. Strautz. Mr. Hart stated that Mr. Finney approached him and asked to buy the property and said that \$20,000.00 was reasonable and then changed his mind and said that it wasn't. Mr. Finney stated that was for the whole piece of property – not just .20 acres. Mr. Hart said that decision is fine; we will just not have a town park. In the matter of the hazardous duty supplement, Mr. Hart said we have 1.9 million dollars in the bank and Council acts like the town is broke. He feels that the Police Department should have what all other Police Departments have. Mayor Pierson stated that this time is for Council Members to make comments and there should be no back and forth discussion at this time. Mr. Finney thanked everyone for coming and stated that he feels Chief Spivey does a good job but he just couldn't approve the hazardous duty supplement at this time.

Mr. Dennis apologized for his appearance and stated that he had to come straight from work. He thanked everyone for allowing him to serve on Council for two years.

Ms. Dize thanked Councilman Dennis for his service. She thanked Jan Siglin for her help with the beautification committee. She asked that Chief Spivey not take their decision on the hazardous duty supplement personally and added that they will try to come up with something else. She concluded by saying that the reason we have 1.9 million in the bank is because Council has made wise decisions and been conservative.

Ms. Rillo thanked everyone for coming. She thanked Mr. Dennis for his service over the last two years.

Mr. Hart asked Mr. Finney if he would rather take the Town's money and put it into a \$700,000.000 or \$800,000.00 building that we will meet at once a month rather than give the OPD the benefits they deserve. Mayor Pierson asked Mr. Hart to keep it to comments. Mr. Hart stated that he would have liked to have seen the Town support the Police Department. He added that he has brought businesses to the town and fixed up the town and everyone looks at him like he is a crook. He said that he put a for-sale sign on his lot after Council said they didn't want it and he was told it had to come down even though it is half the size of the signs on Rt. 13. He asked Mayor Pierson to address that issue. Mr. Finney stated that this is Council Comments. Mr. Hart said that he is to the point that he wants to pack his bags and leave town due to the way he is treated.

Mayor Pierson stated that we do appreciate the things that Mr. Hart has done for the Town. He added that if Mr. Hart wants to go against the Town's sign regulations, that is his business, but Mr. Pavlik will have no choice but to follow the rules for anybody that is not in compliance. Mayor Pierson added that he agrees with Mr. Pavlik on that matter and that is why he and Mr. Pavlik went to speak with Mr. Hart about that matter and Mr. Hart became very upset and would not have a rational conversation. Mr. Hart said that Council needs to decide the direction of the Town since there are other signs that are not in compliance. Mayor Pierson stated that Mr. Pavlik is working on those issues as well. Mr. Hart stated that only happened after he pointed it out to him.

Laura Belle Gordy asked to speak at this time. She said that our loss of Don Strautz is someone else's gain and he was really a wonderful Councilman.

Closed Session

Motion: To go into Closed Session at 7:50pm in accordance with Section 2.2-3711-(A) (1) of the Code of Virginia of 1950, as amended for the purpose of Paragraph 1: Discussion or Consideration of Personnel Matters pertaining to the General Government & Police Department(s) specifically related to employee's performance evaluations by Ned Finney and seconded by Dawn Dize. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Finney-yes. MOTION PASSED

Open Session & Certification of Closed Session

Motion: To return to Open Session at 8:47pm by Ned Finney and seconded by Susan Rillo. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Finney-yes. MOTION PASSED

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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.

There was a discussion as to whether to adjourn or recess the current meeting. Mr. Sterling said that we should recess for a brief break but to end a meeting should be an adjournment.

Adjourn/Recess

Motion: To adjourn at 8:50pm by John Dennis and seconded by Susan Rillo. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Finney-yes. MOTION PASSED

Respectfully submitted by,

Jamye Salazar
Treasurer

Jack Pierson
Mayor