

## Onley Town Council Minutes of January 4<sup>th</sup>, 2012

VIRGINIA: Public Hearing for 2011-2012 Proposed Budget Amendments & Regular Monthly Meeting to immediately follow at the Onley Fire & Rescue Building on the 4th day of January, A.D., 2012:

Members Present: Billye D. Custis, Mayor  
Jack Pierson, Vice-Mayor  
Billy Chance  
Dawn Dize  
Lance Eller  
Don Strautz

Absent: Ned Finney

Staff Present: Walter Marks, Chief of Police  
Jamy Salazar, Treasurer  
Cela Burge, Town Attorney  
David Engelhart, Zoning Administrator

### Public Hearing

#### Call to Order

Mayor Custis called the Public Hearing to order at 6:00pm. She established that there was a quorum and read the rules for public participation.

#### Presentation of Proposed Changes

Ms. Salazar read the proposed changes into the minutes. A copy of the changes will be attached.

#### Public Comments

No one signed up to speak. Mayor Custis asked if anyone wished to speak. Ms. Siglin thanked Council on behalf of SPOTS for the donation.

#### Adjourn Public Hearing

Mayor Custis adjourned the Public Hearing at 6:10pm.

### Regular Monthly Meeting

#### Call to Order

The Regular Monthly Town Council Meeting was called to order by Mayor Custis at 6:10pm. The invocation was given by Dawn Dize. The Pledge of Allegiance to the Flag was led by Don Strautz.

#### Adoption of Agenda

Mayor Custis asked to remove #6 Barbara Schwenk/ANPDC from the agenda since Ms. Schwenk will be unable to attend. Ms. Schwenk will get back to us when she is able to attend a meeting.

**Motion: To adopt the agenda with the change by Lance Eller and seconded by Dawn Dize. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-absent; Pierson-yes; Strautz-yes. MOTION PASSED

### **Audit Report**

Mayor Custis introduced David Foley from Robinson Farmer Cox Associates and asked that he present the draft audit to Council. Mr. Foley began by thanking Mayor Custis and Ms. Salazar for their help in preparation of the audit. Mr. Foley then stated that this audit was performed in accordance with General Accepted Auditing Standards. Mr. Foley presented a brief summary of the audit noting no significant deficiencies in the Town's internal controls as well as no material weaknesses. He then stated that the Financial Statements are the responsibility of management and that they have been prepared in accordance with General Accounting Principles. There were no recommendations made and no management letter was issued. Mr. Foley stated that everything was in good order and it was a very clean audit. Mayor Custis had a question for Mr. Foley in reference to some figures on page 22 & 23. Mr. Foley explained that there were some formula errors that have now been corrected. Mayor Custis thanked Mr. Foley for his presentation. A copy of the draft audit will be attached.

**Motion: To accept the 2010-2011 Draft Audit by Don Strautz and seconded by Lance Eller. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-absent; Pierson-yes; Strautz-yes. MOTION PASSED

### **Consideration of Minutes**

**Motion: To approve the Minutes of the December 5, 2011 Regular Monthly Council Meeting by Lance Eller and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-absent; Pierson-yes; Strautz-yes. MOTION PASSED

**Motion: To approve the December 8, 2011 Recessed Meeting by Lance Eller and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-absent; Pierson-yes; Strautz-yes. MOTION PASSED

### **Department Reports**

#### **Police Report & Schedule**

Ms. Dize asked to correct a spelling error on the police report. Chief Marks explained that error is programmed in the software and cannot be corrected.

**Motion: To accept the February 2012 Police Schedule by Lance Eller and seconded by Don Strautz.**

**Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-absent; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis read an email from Peggy Jordon stating that she has received loan and grant closing instructions. She would like to schedule a time to close anytime after January 17<sup>th</sup>. She added that we may proceed to order the vehicle. Mayor Custis is waiting to hear from Kristie Finney as to how long it will take for the car to arrive.

Ms. Salazar stated that the tasers have been ordered, the cartridges have arrived but the tasers have not. Mayor Custis stated that we need a taser policy. Ms. Burge stated that she has reviewed the draft VML policy which she received earlier in the month and copied the body making some substantive changes for a taser policy and directive dated January 4<sup>th</sup>, 2012. She has spoken with Chief Marks several times today and recommends that Council endorse this as a policy and directive. She added that Council needs to ensure that every officer is trained on this policy before taser use is permitted. Mr. Eller asked to see the policy. Mayor Custis agreed. Ms. Burge stated that she sent a copy to the office earlier today. Ms. Salazar stated that she had not received it. Mayor Custis also stated that she had not received it. Ms. Burge apologized and stated that she will re-send it tomorrow. Ms. Salazar will see that each Council member receives a copy as soon as possible. Council agreed to discuss it at February's meeting. Mayor Custis stated that there is no grant money available for tasers. Council agreed that they still want to proceed with the purchase of the tasers. Mr. Strautz asked if the money is in the budget. Mayor Custis stated that while there is no money earmarked specifically for the tasers, there is more than enough money in the Police Department Budget since we have recently lost an officer and do not plan at this time to replace him. Mr. Eller asked Chief Marks why he does not want to replace Officer

Perry. Chief Marks stated that things are slow this time of year and he may reconsider in the spring or summer.

#### **Treasurer's Report**

Ms. Salazar asked Council to be aware that there are additional payables in their folders tonight. She pointed out that several of the items on the additional payables were purchased with grant money. She also pointed out the addition of the \$125,000.00 CD at Shore Bank on the cash account balance report.

**Motion: To pay the Payables by Don Strautz and seconded by Lance Eller. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-absent; Pierson-yes; Strautz-yes. MOTION PASSED

#### **Zoning**

Mr. Engelhart stated that he has spoken with Mr. Gillispie at the Health Department and depending on the size of the building; he thinks that a local engineer's approval on the septic for the new Town Office should be acceptable.

The Royal Farms has pulled paperwork with the County to apply for permits so look for activity from them around Spring.

He concluded by stating that having passed his exams taken early last month, he is now a certified state zoning administrator.

#### **Attorney's Report**

Ms. Burge stated that she has been working on the taser policy. She wanted to mention some things that Council may want her to look at in the coming year. According to her notes, Council wants her to look into street easements concerning sidewalk cleanup and edging. Second, Council wanted her to review the BPOL ordinance and possibly make the change involving real estate taxes. The last item is the review of the Personnel Policy pertaining to FMLA and FLSA. She added that the land leases for Betty Chance and St. Peter's Church have been recorded. Ms. Dize asked about the Nicolls case. Ms. Burge did not have any new information but stated that we need to pursue that also. Ms. Burge thanked everyone for the opportunity to work with them and stated that she and Turner & Turner value the Town very much.

#### **Old Business**

Mayor Custis asked if everyone had their plans drawn for the property at 25571 E. Main Street. Mayor Custis, Mr. Eller and Ms. Siglin submitted plans for review. Mayor Custis stated that along with the cost of building, Council needs to remember that we also will have upkeep and operating expenses. Ms. Dize agreed and stated that she does not want to spend \$500,000.00 on a building at this time. Mr. Chance agreed. There was much discussion about the size of the building, the amount of money that should be spent, the specific needs that the building should meet and generally where to start with the process of building. Ms. Burge stated that we need to be exceptionally careful about contacting specific companies since it would not be fair to give anyone an inside track. She suggested having a pre-bid meeting for contractors and architects. Mr. Pierson was in agreement. Mr. Strautz suggested advertising in the newspaper that we are seeking to meet with any contractors for a pre-construction consultation meeting for the construction of a Town Hall. Mr. Pierson and Mr. Engelhart stated that we need to set limitations on who can attend; meaning the contractor needs to be a specific class as well as able to meet licensing needs. Mayor Custis asked when they would like this to be done and what kind of list will be given to attendees at the meeting. John Dennis suggested submitting the list without the floor plan that Mr. Eller created. Mr. Eller stated that decisions about the exterior need to be made as well. Mr. Strautz stated that he feels like we are headed back to where we were when we met with GMB. He stated that he feels there are more decisions to be made before we hold such a meeting and suggested

holding a work session to continue this discussion. Mr. Eller disagreed stating that he is not willing to continue meeting and not accomplishing anything.

**Motion: To table the discussion of property at 25571 East Main Street by Don Strautz and seconded by Lance Eller. Vote:** Chance-yes; Dize-no; Eller-yes; Finney-absent; Pierson-no; Strautz-yes. MOTION PASSED

Mayor Custis stated that the first quarter highway safety grant hours have been used. Sergeant Coulbourne would like to attend a basic crash course in 2012. Kristie will look into this. The Byrne Jag grant has been submitted and re-submitted but no funds have been received at this time. A new laser, fire extinguishers and an intoximeter with mouthpieces have been purchased. The USDA car grant has been approved for a total amount of \$28,301.06. The car can be ordered.

Mayor Custis stated that Freddie Gardner is willing to serve on the Planning Commission.

**Motion: To appoint Freddie Gardner to the Planning Commission by Lance Eller and seconded by Dawn Dize. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-absent; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis stated that Adam Simpson went over the decorations that were up – changing some that did not work and also adding a few that were missed. He will also be taking them down in the next few days. The cost of this is \$300.00. Mr. Eller stated that he thought Council decided at a previous meeting that the decorations need to be disposed of and new ones purchased. Mayor Custis asked if this means the banners as well as the wreaths since many of them are in poor condition as well. She added that we put an additional \$8,500.00 in the budget for the purchase of new decorations. Mr. Strautz stated that any of the decorations that are not in good condition should be disposed off.

**Motion: To dispose of the holiday decorations by Don Strautz and seconded by Dawn Dize. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-absent; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis asked if anyone is willing to help with moving things from the pod to the shed. Mr. Strautz and Ms. Dize stated that they will be available on Sunday at 10:00. John Dennis stated that he is available at that time. Ms. Siglin will be available to take things to the train station.

Ms. Dize stated that she spoke with Donna Bozza from the Eastern Shore Tourism Commission about the welcome signs. Ms. Bozza advised her that Barbara Schwenk from ANPDC wrote the grants for Northampton County several times helping them to acquire their current signs. She added that this was about a five year process. Ms. Bozza told Ms. Dize that she is very interested in meeting with the Onley Town Council in pursuit of this. Ms. Dize presented Council with a picture of the new sign at Zion Baptist Church. The sign is fiberglass on a foundation and was done at a cost of \$5,500-6,000. She asked Council how they would like for her to proceed. Council decided to ask Ms. Bozza to next month's meeting for further discussion.

After hearing what Ms. Burge said earlier in the night on the BPOL ordinance, Council decided to have her review the ordinance.

Council was also in agreement that the Personnel Policy pertaining to FMLA and FLSA needs to be reviewed as well.

#### **New Business**

**Motion: To adopt the proposed budget amendments read earlier in the night by Ms. Salazar by Lance Eller and seconded by Jack Pierson. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-absent; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis stated that she received the rainy day fund procedures today from the auditors. She feels that the Town's money needs to be earmarked and broken up into segments as to how it can be spent. This has not been done in the past but she feels this is something that we need to look into for the future. Council agreed to have Ms. Burge look over those procedures as well.

**Public Participation**

No one signed up to speak. Mayor Custis asked if anyone wished to. Ada Jo Amadeo stated that she feels like Council needs to have more citizen input on the new Town Office. She is unsure how to make this happen but feels that it is necessary. Ms. Siglin suggested something comparable to the newsletter. Mayor Custis agreed but stated that getting people to read it is the problem.

**Council Comments**

Mr. Chance thanked everyone for coming to the meeting.

Mr. Strautz thanked everyone for coming and apologized for seeming to struggle over the new Town Office. It is such a big project and everyone wants to do the right thing for the Town and its citizens.

Ms. Dize had no comment.

Mr. Pierson had no comment.

Mr. Eller had no comment.

**Motion: To adjourn at 8:09pm by Don Strautz and seconded by Lance Eller. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-absent; Pierson-yes; Strautz-yes. MOTION PASSED

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Jamye Salazar, Treasurer

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Billye D. Custis, Mayor