

Onley Town Council Minutes of January 8, 2015

VIRGINIA: At a Joint Public Hearing with the Onley Town Council & Planning Commission for Special Use Permit & Regular Monthly Meeting held at the Onley Fire & Rescue Building on the 8th day of January, A.D., 2015:

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

Staff Present: Cela Burge, Town Attorney
Jamy Salazar, Treasurer
Sgt. John Spivey, OPD Officer-In-Charge

Regular Monthly Meeting

Call to Order

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

Invocation & Pledge of Allegiance

The invocation was given by Don Strautz and the Pledge of Allegiance was led by Ned Finney.

Adoption of Agenda

Mr. Finney asked to move hiring candidate(s) to fill vacancies within the police department from the Police Report to the Closed Session. He also asked to add an update regarding a termination in the police department to the Closed Session.

Motion: To adopt the agenda with the above changes by Dawn Dize and seconded by Matt Hart.

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

Town Council & Planning Commission Joint Public Hearing for Special Use Permit

Call to Order the Hearing & Establishment of Quorum for both bodies

Mayor Pierson called the Public Hearing to order at 6:34pm. He established that the Town Council had a quorum. Ms. Siglin called the Planning Commission hearing to order and established that they also had a quorum.

Rules for Public Hearings

Ms. Burge read the Rules of Public Hearings and Rules for Public Participation in general.

Statement of Facts on Special Use Permit

Mr. Pavlik stated that he will only be presenting the facts on the application due to the fact he has only been employed with the town for about a week. He has not been involved with this matter and will be unable to make any recommendations. He stated that there has been a request for a special use permit from Tami Serio, residing at 26124 East Main Street, to open a residential business located in an existing building on her property. The building has been renovated and compliments the neighborhood. The shop will be used for selling and making jewelry and accessories supporting local artists. She is anticipating having jewelry making classes in the future. She plans to be open 2-3 days per week from approximately 10:00am to 5:00pm. The customers will have use of her existing driveway and she claims no additional water or sewage is required. She is requesting the use of a small sign. There was some discrepancy about the size of the sign but it has been established that it will be a 2x2 foot sign. At this time, Ms. Burge asked the Planning Commission if they had any questions or comments. Ms. Siglin asked Ms. Serio how long she has been open at that address. Ms. Serio stated that she is not open. Ms. Siglin stated that Ms. Serio's Facebook page advertises that she is open. Ms. Serio stated that she had a jewelry party at her house on December 20th – that is what was advertised on Facebook. Ms. Siglin read an item from a Facebook post stating that Morning Light Jewelry was to be opened on December 24th. Ms. Serio stated again that she did not open.

Public Comments

Billye D. Custis stated that she does not have a problem with the Special Use Permit being approved or denied but she is concerned that the size of the sign is incorrect on the application. Ms. Custis added that the application states that only hand crafted items will be sold – she wants to make sure that is the case and only handmade items are being sold at that location.

Adjourn Public Hearing – Both Bodies

Motion: To adjourn the Public Hearing of the Onley Town Council at 6:44pm by Ned Finney and seconded by Susan Rillo. Vote: Dennis=yes; Dize=yes; Hart=yes; Finney=yes; Rillo=yes; Strautz=yes.

MOTION PASSED

Motion: To adjourn the Public Hearing of the Planning Commission at 6:44pm by Don Bowling and seconded by Scott Whitaker. Vote: Siglin=yes; Byrum=absent; Bowling=yes; Strautz=yes; Whitaker=yes.

MOTION PASSED

At this time, the Planning Commission including Mr. Strautz left the room to deliberate.

Regular Monthly Meeting (cont'd)

Consideration of Minutes

Motion: To approve the minutes of the December 1, 2014 Regular Monthly Meeting by Ned Finney and seconded by Dawn Dize. Vote: Dennis=yes; Dize=yes; Hart=absent; Finney=yes; Rillo=yes; Strautz=absent. MOTION PASSED

Department Reports

Police Report & Schedule

Sergeant Spivey stated that the 2012 Charger has a blown rear seal but it is covered under warranty and should be fixed in a few days. The new uniforms should be ready by the end of the month. He stated that there is no February schedule. He is waiting to see if the current vacancies are going to be filled. Officer Bennett is establishing new policy and protocols for firearms certification to fall in line with DCJS

standards. They will be shooting sometime this month based on the status of the new hires. He encouraged Council members to attend any of this training that might interest them.

Mr. Finney asked which police vehicle is going to be put up and not used. Sergeant Spivey stated that it has been our practice to use the 2003 Ford as the "spare" car. This may change based on the new hire situation.

Treasurer's Report

Ms. Salazar asked that Council consider the additional payables when making the motion to pay the payables. She gave an overview of where we are in the budget, adding that we are at six months or half way through our budget year. Billye D. Custis had a question specific to the payroll expense report. Ms. Salazar explained that there are two separate notations for John Spivey's payroll explaining that one is his regular pay and the other is overtime pay. Mr. Dennis asked if meals taxes are current. Ms. Salazar stated that they are. Ms. Dize asked about real estate and personal property. Ms. Salazar explained that we are over what we budgeted for personal property since we now charge ANEC and Verizon for their property and equipment in town. She added that we are at about 91% collected on real estate and added that she has just sent out 2014 delinquent tax letters. She thanked Ada Jo stating that she was a big help to her with that project.

Motion: To Pay the December 2014 Payables by Dawn Dize and seconded by Susan Rillo.

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

Ms. Salazar stated that Council has a sheet of interest rates from local banks as well as a Rainy Day Fund update. She reminded Council that at last month's meeting, they asked for these rates so they can move some money out of the regular checking account since it does not earn interest. She explained that all of the money needs to be invested somewhere even money earmarked for the Rainy Day Fund.

Motion: To put \$50,000.00 into the Rainy Day Fund meeting our goal of \$250,000.00 and to move \$150,000.00 to the Shore Bank money market account by Ned Finney and seconded by Matt Hart.

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

Attorney's Report

Ms. Burge stated that she has spoken with Dana Bundick and Mike Mason in reference to combining decal costs and yearly tax bills. At this time, Accomack County is not doing any decal billing for towns. She stated that our only option may be to purchase our own software to do our own tax billing adding the costs of decals to our own bills or perhaps send out our own decal bills. She stated that it is not practical to break up these items into separate billings and she also feels that the costs of the software would greatly exceed the expense of the decals and the receipt books that we currently use. It is her recommendation that we keep things as they are for now. Lastly, she stated that she has worked on some personnel matters for the police department this month.

Public Works

Ms. Salazar stated that the holiday lights are coming down today. Antwan has been in town a couple of times this month cleaning up a lot of leaves that had accumulated in the gutters and storm drains on Coastal Blvd. and West Main Street. Mayor Pierson thanked Mr. Finney for repairing the attic steps. Mr. Finney asked about checking the snowflakes for lights that were burned out. Ms. Salazar stated that she will make sure that the lights are tested thoroughly before they go up next year.

Planning Commission Report

Ms. Siglin stated that the only item they needed to report on is the special use permit application from earlier in the night.

Old Business

Mike McArthur from GMB in Salisbury was in attendance to answer questions about the design and construction the new town office. Mr. Finney stated that he has looked at the plan that GMB presented and he is in favor of hiring them for architectural services. Mr. Finney asked Mr. McArthur to look over the existing plans and present Council with a price quote for his services. Mr. McArthur suggested that GMB take the existing plans, do a code search, make some initial adjustments and come back to Council with a first pass presentation of how they would suggest re-finishing the plan. Mayor Pierson asked how long that process would take. Mr. McArthur stated that he feels it will take about 30 days. He wanted Council to understand that schematics are not an exact science- it can be a bit of a back and forth process. Mr. Finney stated that he knows there are several changes that Council wants made to the existing plans. Mr. Dennis asked what the architect fees are going to cost. Mr. McArthur stated that it is hard to determine fees without a little more information about the project. Mr. Dennis gave Mr. McArthur some information that he brought to the meeting. After quickly looking at Mr. Dennis' information, Mr. McArthur stated that those figures are probably within range. Mr. Finney asked Mr. McArthur to estimate the cost for preliminary work. Mr. McArthur stated about \$4,000.00-\$5,000.00 representing 50-60 hours of actual work time. He added that a good rule of thumb is about \$100.00 per hour.

Motion: To have Mr. McArthur from GMB take a look at the existing plans and come back with preliminary pricing at the rate of \$100.00 per hour or approximately \$5,000.00 by Ned Finney and seconded by Don Strautz. Vote: Dennis-yes; Dize-yes; Finney-yes; Hart-yes; Rillo-yes; Strautz-yes.

MOTION PASSED

Mr. Strautz stated that he has not looked at the existing plans in over a year. He proposed a recessed meeting pertaining to the matter of the new building. He asked that Mr. McArthur attend that meeting. Mr. Finney stated that he would like for the whole Council to meet on this matter – not just the building committee. Ms. Dize & Ms. Rillo agreed. Council agreed to the recessed meeting.

At this time, Mayor Pierson asked Ms. Siglin to give the Planning Commission's recommendation on the matter of the Special Use Permit discussed earlier in the night. Ms. Siglin stated that the Planning Commission has voted to recommend that the Special Use Permit be granted with the understanding that the size of the sign is corrected and all sales be generated from handcrafted items being made on the premises.

The town decals/delinquent taxes were discussed earlier in the night.

Council set a recessed meeting date of January 20, 2015 at 6:30pm at the fire house.

Mr. Dennis asked Mr. McArthur if he will need a dollar amount that the Council is willing to spend on the building. Mr. McArthur stated that ultimately they will but the information already provided is a good starting point to work from.

Mr. Finney stated that there are two proposals relating to the pump house. The first one is from Bundick Well & Pump to drain and dismantle in the amount of \$500.00 or they will keep the equipment in lieu of payment. The second proposal is from B.J. Baker in the amount of \$350.00 to drain the pump.

Motion: To accept the proposal (which shall be put in writing) from Bundick Well & Pump to drain and dismantle the pump and allow them to keep the equipment in lieu of payment by Don Strautz and seconded by Susan Rillo. Vote: Dennis-yes; Dize-yes; Finney-yes; Hart-yes; Rillo-yes; Strautz-yes.

MOTION PASSED

Mr. Finney asked what Council wishes to do with the other pump house. Ms. Dize suggested checking with the owner of the adjoining property before making any decisions that may affect their water supply. Mr. Strautz & Mr. Dennis disagreed. Mr. Dennis added that the town should not have to pay an electric bill so that someone else may have water. Mr. Hart suggested that before any decisions are made, we check to make sure there are no easements recorded that state we provide them with water. Ms. Burge will check on that matter and suggested tabling that item for now.

New Business

Ms. Dize asked if Council wished to further discuss the Special Use Permit application. No one responded.

Motion: To approve the Special Use Permit application presented by Tami Serio by Dawn Dize and seconded by Ned Finney. Vote: Motion: Dennis-yes; Dize-yes; Finney-yes; Hart-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Public Comments

Billye D. Custis stated that at last month's meeting, Council struck the discussion of vacation hours from Closed Session leaving only the discussion of employee bonuses but it was obvious to her that there was no way that was the only matter discussed for over an hour. She also stated that she heard from someone other than her husband that other matters were discussed in that Closed Session and yet everyone certified that the only matter discussed was employee bonuses. Mayor Pierson stated that he is very concerned that matters discussed in Closed Session are being discussed "on the street". He reiterated that what happens in Closed Session should remain in Closed Session. Ms. Burge stated that while she is not a shadow Council member, she tries very hard to keep Council on path when they seem to be going astray. She added that occasionally some matters discussed will "grow legs". In other words there are matters that may be discussed relating to the topic at hand but may not be the main item. Mr. Finney added that there have been some issues with people listening in on Closed Session and he himself has stressed that what happens in Closed Session is not to be discussed at all.

Council Comments

Ms. Dize thanked everyone and welcomed Mr. Pavlik.

Ms. Rillo wished everyone a Happy New Year.

Mr. Finney welcomed Mr. Pavlik. He thanked everyone and stated that we need a new town office.

Mr. Strautz agreed that we need a new town office. He recommended that everyone read the article in the ANEC magazine this week about small towns. He feels there are a lot of items in this article that apply to Onley.

Mr. Hart stated that he is looking forward to a new year and the possibility of a new town office. He welcomed Mr. Pavlik. He thanked everyone for their hard work.

Mr. Dennis asked Ms. Dize to look into the Walkability grant program. Ms. Salazar stated that she and Mayor Pierson met with Susan Simon back in July in relation to sidewalks and we are on their list once money becomes available.

Closed Session

Motion: To go into Closed Session at 7:54pm 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 the Police Department, specifically related to employee's performance, hiring candidates to fill police department vacancies and termination update by Ned Finney and seconded by Don Strautz. Vote: Dennis-yes; Dize-yes; Hart-yes; Finney-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Open Session & Certification of Closed Session

Motion: To return to Open Session at 8:49 by Ned Finney and seconded by Matt Hart.

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

Ms. Dize stated that Council did discuss the need for traffic control at Nancey Bonniwell's funeral. Council members agreed.

Motion: To hire the two officers recommended in Closed Session at the salary discussed by Ned Finney and seconded by Matt Hart. Vote: Dennis-yes; Dize-yes; Finney-yes; Hart-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Motion: To appoint John Spivey to the position of Chief of Police with a salary of \$45,000.00 per year and no overtime by Ned Finney and seconded by Matt Hart. Vote: Dennis-yes; Dize-yes; Finney-yes; Hart-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Mayor Pierson added that John Spivey did a good job as Sergeant as well.

Chief Spivey asked Council for their approval to purchase body armor for the two new officers if needed.

Motion: To allow Chief Spivey to purchase any needed body armor for the two new officers by Ned Finney and seconded by Matt Hart. Vote: Dennis-yes; Dize-yes; Finney-yes; Hart-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Mr. Dennis asked that Chief Spivey keep track of gas mileage for the patrol cars. He feels that when it is time to purchase a new car, it will be good to know which ones are most economical.

Chief Spivey stated that information should always be available in the daily logs. He added that there have been some significant problems with the Chargers and when the time comes, he may want Council to consider the possibility of purchasing another make/model.

Adjourn/Recess

Motion: To recess at 8:58pm until January 20, 2014 at 6:30pm by Ned Finney and seconded by Don Strautz. Vote: Dennis-yes; Dize-yes; Hart-yes; Finney-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Respectfully submitted by,

Jamye Salazar
Clerk/Treasurer

Jack Pierson
Mayor