

Onley Town Council Minutes of February 3, 2014

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Arthur T. Lowe Municipal Building on the 3rd day of February, A.D., 2014:

Members Present: Jack Pierson, Mayor
Dawn Dize
Fred Gardner
Susan Rillo
Don Strautz

Members Absent: Ned Finney, Vice-Mayor
Billy Chance

Staff Present: Walter Marks, OPD Chief of Police
Jamy Salazar, Treasurer
Cela Burge, Town Attorney
Cindy McKeever, Zoning Administrator

Invocation/Pledge of Allegiance

The invocation was given by Don Strautz and the Pledge of Allegiance to the Flag was led by Dawn Dize.

Call to Order

The Regular Monthly Town Council meeting was called to order by Mayor Pierson at 6:29pm.

Adoption of Agenda

Motion: To adopt the agenda by Fred Gardner and seconded by Don Strautz.

Vote: Chance-absent; Dize-yes; Finney-absent; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Consideration of Minutes

Motion: To approve the minutes of the January 13, 2014 Regular Monthly Council Meeting (*Postponed from January 6, 2014) by Don Strautz and seconded by Fred Gardner. Vote: Chance-absent; Dize-yes; Finney-absent; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Chief Marks stated that they are still awaiting the arrival of the new car. He added that he has offered to come to Richmond to pick up the car when it is ready. Mr. Strautz asked if Officer Long is through with training. Chief Marks explained that Officer Long is fully trained but he helped with taser training at the ACSO today and will be going for his taser training recertification on the 13th. Mr. Gardner asked if the car will come completely outfitted and ready to go. Chief Marks replied that it will not but arrangements have been made to complete that process as soon as it arrives. That process will take about a week.

Motion: To approve the March 2014 Police Schedule by Don Strautz and seconded by Susan Rillo.

Vote: Chance-absent; Dize-yes; Finney-absent; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Treasurer's Report

Ms. Salazar pointed out that there are some additional payables that need to be considered when approving payables. She asked that Council once again consider moving some money from the regular

checking account which is currently not earning any interest. There is a balance of almost \$400,000.00. She gave an overview of the budget up to this point.

Motion: To move \$200,000.00 from the regular checking account to the money market account at PNC Bank by Dawn Dize and seconded by Don Strautz. Vote: Chance-absent; Dize-yes; Finney-absent; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Mr. Byrum asked what the interest rate on that account is at this time stating that he thought someone was offering 1.8%. Ms. Salazar stated that she believes it is .50% and explained that public funds money often doesn't get as good a rate as privately held funds.

Motion: To pay the Payables by Susan Rillo and seconded by Don Strautz. Vote: Chance-absent; Dize-yes; Finney-absent; Gardner-yes; Rillo-yes; Strautz-yes. MOTION PASSED

Zoning

Ms. McKeever stated that the Nicolls property has not been probated but she left her contact information at the Clerk's Office and has asked that they contact her when that happens. She added that everything will need to be put on hold until that happens. She recently met with a client regarding some signs and she would like to get the Planning Commission's opinion on how to proceed.

Ms. McKeever stated that when she uses the GIS and she clicks the overlay for zoning – she does not get zoning. She asked Mr. Strautz if it is possible to add our zoning to that website. Mr. Strautz asked if the Town has a subscription with the County because if not then she is using the free site. He suggested that she call the County Planning Department and speak with Tom. He will be able to answer her questions about availability and usage. Mr. Strautz warned Ms. McKeever that when using the County website, the website depends upon the lines on that map, and those lines are not survey grade. Ms. McKeever asked if the Town's website is survey grade. Ms. Salazar stated that the Town website does not have zoning. Ms. McKeever stated that she has to check two or three sources when using the County website. Ms. Burge stated that the County's website, or any other site, cannot be used as a definitive source for zoning for the Town of Onley because it's not survey grade and it is not the official zoning map for the Town. She felt that a few years ago someone at ANPDC did a map for the Town to use. Ms. Salazar stated that Tom Brockenbrough prepared a digital map for the Town several years ago. Ms. Burge suggested that we search for it and find out if it was adopted. Mr. Strautz suggested that Ms. McKeever speak with Mr. Brockenbrough because if he did the map, he may be able to help her with some of her questions earlier.

Ms. McKeever asked how Council would like her to proceed in the matter of the skate park and playground. Mr. Strautz started that he feels a park to compliment the new Town office is a nice idea but a skate park may be taking on more risk than the Town would like. He feels that the whole idea should be "shelved" for awhile. Mr. Gardner agreed. Billye D. Custis asked about the additional insurance coverage required for the skate park/playground. Ms. Rillo stated that she thought when Ms. McKeever checked with the Town of Chincoteague, they were not required to purchase additional coverage. Ms. McKeever agreed adding that the difference would be if there was the addition of bicycles. Ms. McKeever has not looked into the additional coverage yet but will be happy to do so. Chief Marks stated that the Town of Chincoteague had to hire a part-time officer just for the purpose of patrolling the playground and skate park. Mayor Pierson agreed with Mr. Strautz and Mr. Gardner that maybe this matter should be shelved for now. Council was in agreement.

Attorney's Report

Ms. Burge stated that as a practical matter and not a legal matter, the fact that Mr. Nicolls' will has not been probated is only significant to us because we want to be sure to notify any beneficiaries under a will should there be one. It does not prevent the town from moving forward in a legal matter in a practical and respectful way. She also noted that there has been quite a bit of bad weather which can

hold up progress. She added that when and if a will is brought to probate we will know who is an interested party. She reiterated that the lien will attach to the property for any work that we have done.

Old Business

Mr. Gardner stated that no bids were received. The prospective contractors have expressed a need for more time. Ms. Burge stated that another date will need to be set. Mr. Strautz asked what will happen if we are unable to acquire three bids. Ms. Burge explained that we are required to issue the RFP's and we have been operating under an open bidding procedure requiring all those interested to come to pre-bid meetings so the number of bids is not an issue.

There was no grant coordinator's report. Ms. Salazar stated that she believes Ms. Finney will be resigning at the end of the fiscal year. Chief Marks stated that Officer Spivey will be attending a grant class next week. Ms. Salazar stated that Officer Spivey has been training with Ms. Finney in order to take over the grant process for the police department. Ms. Burge stated that someone other than Officer Spivey should sign off as the official representative for the Town. Ms. Salazar stated that Chief Marks, Mayor Pierson and herself sign everything as officials for the Town.

The playground/skateboard park was discussed earlier under the Zoning Report.

New Business

Ms. Salazar stated that there have been numerous complaints about residents pumping water into the street. There was an issue this past week with the water freezing that made sidewalks and portions of the road impassable. Ms. Burge explained that this water is coming from sump pumps. There is no storm water system here so there is nowhere for water from downspouts and sometimes even washing machines to go. She stated that the Town of Onley has no ordinance saying that this water cannot run into the street. John Dennis stated that the highway department does not allow water to run into the street. Billye D. Custis stated that she spoke with Lance Eller about this matter and he told her that someone from VDOT would need to actually see the water being pumped into the street. Ms. Salazar added that we have had several residents empty their in-ground pools into the street and neighboring yards. Ms. Burge suggested that Council allow her to first contact VDOT and see what their rules on the matter are and then possibly coordinate with them to enforce such rules. Council agreed. Wayne Byrum asked what the alternative is for people that have been pumping into the street if they no longer have that option. Mr. Strautz stated that his sump pump flows into the yard and he believes that his neighbor's pump does as well. Mr. Gardner stated that the water can be pumped into the yard – it does not have to go into the street.

Public Comment

No one signed up to speak. Mayor Pierson asked if anyone wished to. John Dennis asked if the Town has acquired all of the permits needed for the new building. Mayor Pierson stated that can be addressed when Mr. Finney returns. Mr. Strautz said that he feels that we have not. Mr. Dennis explained that nothing can be done to the sidewalk unless the state approves.

Ms. Siglin asked if the church across from the town office is still pumping into the street. Ms. Salazar stated that she has not seen any water coming from there and she has not had any complaints specific to that location. Ms. Siglin added that the house next to the post office also had a lot of water in front. Ms. Salazar stated that she has been made aware of that.

Mr. Byrum asked if there is an ordinance about clearing or maintaining sidewalks in the event of snow. He suggested that Council may want to consider one in keeping with the spirit of making Onley a walkable town.

Ms. Siglin stated that some towns having an ordinance regarding shoveling snow from sidewalks allow for the Town to come and shovel in the event that the property owner is physically unable to do it.

Ms. Burge stated that the Town does not have an ordinance concerning sidewalk snow removal.
Ms. Custis stated that most of the sidewalks in Town are state owned and maintained.

Council Comments

Ms. Rillo thanked Chief Marks and the Police Department for their help with an unruly customer over the course of several days. She added that they responded quickly and were very professional.

Mr. Strautz thanked everyone for coming and bringing their issues and their input.

Mr. Gardner agreed with Mr. Strautz adding that he wants to see the comments keep coming especially pertaining to the new building.

Ms. Dize apologized for missing last month's meeting. She added that it is nice to see everyone out and thanked the employees for their hard work.

Ms. Burge asked to speak. She suggested that in keeping with the idea of making Onley a walkable community, Council may want to survey the areas that are missing pieces of sidewalk and target that as a project. Mayor Pierson asked about the job that VDOT just completed. Ms. Salazar stated that VDOT repaired some problem areas but they did not install any new sidewalks. Ms. Dize asked what happened to the bike path that was supposed to be coming to Nandua and the Onley area. Ms. Custis said that the Healthy Community organization is still working on that – she believes that they meet once a month. Mr. Strautz said that he has heard there are plans for a bike path on Church Road from Onley to Accomac.

Adjourn/Recess

Motion: To adjourn at 7:27pm by Don Strautz and seconded by Fred Gardner. Vote: Chance-absent; Dize-yes; Finney-absent; Gardner-yes; Rillo-yes; Strautz-yes MOTION PASSED

Jamye Salazar, Treasurer

Jack Pierson, Mayor