

## Onley Town Council Minutes of February 6, 2012

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 6th day of February, A.D., 2012:

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

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

### Call to Order

The Regular Monthly Town Council meeting was called to order by Mayor Custis at 6:30pm. The invocation was given by Billy Chance. The Pledge of Allegiance to the Flag was led by Ned Finney.

### Adoption of Agenda

Mayor Custis welcomed everyone to the meeting and asked to remove item 7A from the table and put it back on the agenda. She also asked to add an RFP for grass cutting under 8A and to add Lisa LaMontagne to speak about town signs as well as Mike Higgins to give a presentation on the new town building before the consideration of minutes.

**Motion: To adopt the agenda with changes by Ned Finney and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### Special Presentations

Mr. Higgins showed a PowerPoint presentation of a design for the new town building that he put together incorporating the suggestions that have been offered thus far. Mr. Finney had several questions about the pitch of the roof as well as the number of dormers. He also asked about the deck on the back and how it will affect parking as well as if there is room for a generator and a washer/dryer. Mr. Finney stated that he feels the Treasurer's and Mayor's offices should connect. Ms. Siglin stated that the Mayor's office was put separate for privacy reasons. Mr. Finney would also like to see a door from the Treasurer's office to the Police Department. Ms. Siglin stated that the plans can be flipped so that the Treasurer's office can be closer to the Police Department. Mr. Higgins made various changes incorporating Mr. Finney's suggestions. Mr. Pierson stated that he does not like the higher pitched roof because it makes the building look like a barn. He also does not think that we need all of the decks. Mr. Higgins stated that he will be happy to make any changes that the Council wishes and return at a later date. Mayor Custis thanked Mr. Higgins for his time.

Ms. LaMontagne began her presentation by thanking Council for putting thought into the signs for the town. She stated that the Tourism Commission just put a sign in New Church and she has some renderings for Council to see. That particular sign cost \$12,000.00 including installation. They try to use ADCO since they like to support local businesses. She stated that Northampton County has adopted this particular design with the Eastern Shore logo. This design exists at ADCO so it will be very easy to acquire signs like this. Mr. Strautz asked if we would have to use the Eastern Shore logo. He would prefer to use the Town of Onley's catchphrase. Mayor Custis explained that we could use our own tagline. Mr. Finney

would like to know from what the sign is constructed. Mr. Pierson asked about lettering. Ms. LaMontagne does not know from what the sign is constructed but she believes that the letters are embossed. She stated that there may be grant money available but it could take some time to receive it. Mayor Custis thanked Ms. LaMontagne for her time.

### **Consideration of Minutes**

**Motion: To approve the Minutes of the January 4, 2012 Regular Monthly Council Meeting by Don Strautz and seconded by Jack Pierson. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### **Department Reports**

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

**Motion: To approve the March 2012 Police Schedule by Ned Finney and seconded by Don Strautz.**

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

Mayor Custis stated that the police car has been ordered and the order is confirmed. The closing date for the loan is pending receipt of title.

Mayor Custis asked if anyone has questions about the taser policy. Mr. Eller suggested the following changes be made: page 5, #15A in reference to photographs, change should to shall, transportation guidelines should be on definition page and there needs to be a definition of records custodian as well as identify who that is. Mayor Custis asked if anyone wished to comment on the changes. Mr. Strautz stated that he is in favor of Mr. Eller's changes. Ms. Burge stated that in reference to the custodian of records for the Police Department she will assume the Chief holds that position, however, the Mayor is the custodian of records for FOIA purposes. In reference to changing should to shall, she stated that this means instead of taking a photograph being a strong suggestion, it is now a requirement. Ms. Burge will make those changes. Chief Marks stated that taser training will be on February 8<sup>th</sup>.

**Motion: To adopt the taser policy with changes by Lance Eller and seconded by Ned Finney. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

**Motion: To allow all four officers to attend taser training on February 8<sup>th</sup> by Ned Finney and seconded by Lance Eller. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Chief Marks told Council that Officer John Spivey struck a pothole in the Sage Diner and has damaged the engine cradle on the silver Charger. The estimate to fix it is \$1,316.80. The insurance will cover the cost. Mr. Finney asked Chief Marks if he feels we need a fifth officer. Chief Marks responded that he does not at this time.

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

Ms. Salazar explained that she attached a history of the general office supply account to the budget report since it is not accurate on the actual budget report due to a journal entry that she made to move the cost of cleaning the office.

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

#### **Zoning**

Mr. Engelhart stated that the Royal Farms package has been submitted to the Accomack County Planning Department. He will need to talk with the Planning Commission about a signage issue that they may have.

Mr. Engelhart stated that he has spoken with Steve Miner about broadband. Mr. Miner gave him the name of someone at the Exmore office to contact. There is the possibility of a provision for grant money. Mr. Engelhart stated that there has been some discrepancy in the language of the county's burn ordinance. This is the ordinance that the town follows so he has brought this up to Mark Taylor and this will be coming before the BOS to decide how to address the discrepancy.

Mr. Engelhart stated that he has spoken with Ms. Burge about what the Town's next move should be in reference to Mr. Nicolls. He added that the Motor Vehicle Board has suspended his license so at this point he is not operating as a legal business. He suggested the possibility of the Town having the property cleaned up. Mayor Custis expressed concern about this and stated that the Town is still owed money from years ago when the Town cleaned up property and the owner would not reimburse the Town. Mr. Finney doesn't believe that will be an issue since there is value in the items that would be removed. He also feels that once Mr. Nicolls receives notice that the Town is sending someone to clean up the property and take possession of the vehicles, he will have the property cleaned up. Mr. Eller feels that Mr. Engelhart should proceed with that course of action. Ms. Burge reminded Council that once they make the decision to have someone clean up the property there is no backing down – it needs to be completed. Mr. Strautz asked if there is ever a point where the Town would take possession of the property. Ms. Burge stated that there is a statute normally used for tax purposes that allows the locality to petition the court for the property once the assessed value of the property exceeds 50% of what is owed to the locality. Mr. Finney asked if this pertains to the abandoned trailers at Rice's trailer court. Ms. Burge stated that it would be a different situation since the trailers are titled but there are procedures for doing so. Council asked Ms. Burge and Mr. Engelhart to pursue this course of action with Mr. Nicolls and Rice's trailer court.

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

Ms. Burge stated that she has taken a look at the current BPOL ordinance and concluded that you cannot include real estate tax requirements under the current code. In looking at the personnel policy, she spoke with Tina Stevens at VML and went through our policy page by page comparing their boilerplate to our policy. She has made all of the changes comparing suggestive language versus what we have. She has made all of those changes in draft form and would like to have that put on the agenda in an upcoming meeting. She also feels that the salary administration plan should be incorporated. She also began looking at right of way width of streets in Town so we can begin to look at ordinances that are now in place or maybe make changes to those ordinances that would outline the responsibility of who takes care of their yard up to the sidewalk. She has completed a chart with most of that information ready to go. Finally, she looked into developing a rainy day fund policy for the Town. She explained what that means as well as stated that it is a policy and not something that she is telling the Town to do. At this point, there is no resolution in place as to how you spend money in savings and the auditors have suggested that Council consider this by setting aside an amount of money for a specific purpose. There is also a plan for setting aside money not for specific purposes. She has created a draft resolution for adopting a rainy day policy without particular percentages or dollars. She asked that Council think about what their current needs, operational shortfalls or excess revenues will require those amounts to be. She stated that the end of this fiscal year will be a good time to put this policy in place. Mayor Custis feels that we need to have rainy day money as well as money for building and undesignated funds for unplanned expenses.

#### **Old Business**

Mayor Custis gave the Council the new assessment figures for Town owned real estate.

Mr. Strautz stated that the building presentation was very nice but he is unsure about the next step. Mr. Higgins stated that he is unsure about some of Council's decision such as the pitch of the roof. He is

willing to make modifications if Council wishes and have larger plans printed up but he needs more definitive answers. Mr. Pierson would like to see a 12x18 blow-up. Mr. Finney would like to return the original 512 roof pitch, flip the plan and have a door to the police department. Ms. Burge reminded everyone that the Treasurer's office needs to be secure. Mr. Finney asked Council if they want to attach this building in some form. Mayor Custis feels that if it is attached, there needs to be a parking allowance for the officer on duty. Mr. Finney asked about ceiling height. He recommended 9'.

Mayor Custis gave the grant coordinator's report. A copy will be attached.

There has been no interest in the Planning Commission vacancy.

Ms. Salazar stated that she spoke with Parksley about their holiday decorations. They have 3' LED snowflakes and they are not happy with them. They feel that the snowflake wiring is very intricate and does not hold up in the cold weather. Mayor Custis stated Mosca Designs does not recommend smaller than 5' possibly for the reasons that Parksley stated. Council received three quotes with their packets for lights and banners. Mayor Custis also stated that there was not enough money put in the amended budget to cover the cost of the snowflakes and banners based on these estimates. Council decided to check with Pocomoke and Chincoteague to see if they recommend purchasing snowflakes.

Mayor Custis stated that Ms. Dize, Mr. Strautz, Jan Siglin, John Dennis and herself cleaned the pod several weeks ago only to find out that nothing can be thrown out until it has been documented and reported to the Library of Virginia. The garage still needs to be cleaned.

Mr. Finney stated that he is concerned that we do not have a good place to put the Town signs. John Dennis suggested contacting Irene Davis about pricing. Mr. Pierson feels that ADCO is expensive. Ms. Dize stated that she doesn't feel that ADCO has a lot to choose from-most of what she saw resembles our old signs. Mr. Finney suggested drawing up plans with our logo, determine the size and go from there.

The BPOL Ordinance was discussed earlier in the night.

The Personnel Policies Review was discussed earlier in the night.

### **New Business**

Mr. Finney feels that we need to hire out the grass cutting/public works. Mayor Custis agreed and asked Mr. Eller if he is still willing to write up the RFP. Mr. Eller stated that he will be glad to help but not until after March.

### **Public Participation**

Mr. Morrison stated that the area by the scales at the train station was filled in today.

### **Council Comments**

Mr. Finney thanked everyone for coming and for their input.

Mr. Eller stated that going forward he feels that everyone needs to be serious about the process, make serious decisions and not continue to spend so much time getting nothing accomplished. Mayor Custis thanked Ms. Siglin for her help with Mr. Higgins' presentation. Mr. Eller agreed stating that the presentation helped to give perspective to the process.

Mr. Pierson stated that he feels once Mr. Higgins comes back with the changes requested, there needs to be a meeting (other than the regular meeting) just for the purpose of making the decisions and wrapping up the process.

Ms. Dize agreed that we need to move forward with the building. She also thanked Ms. Siglin and Mr. Higgins as well as Mr. Morrison for taking care of the issue at the train station.

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Mr. Strautz agreed that we need to move forward with the building – thanking everyone involved in making the process a little easier to envision. He is also willing to help at the train station if needed.

Mr. Chance thanked everyone for coming.

Mayor Custis asked that once Council receives the new plans they call Ms. Salazar and make her aware of any changes or suggestions that they have.

Mr. Strautz stated that he will go along with whatever Council wants to do.

**Motion: To adjourn at 9:01pm by Lance Eller and seconded by Ned Finney. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

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Jamye Salazar, Treasurer

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Billye D. Custis, Mayor