

Onley Town Council Minutes of March 5, 2018

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 5th day of March A.D., 2018:

Council Members Present: Ned Finney, Vice-Mayor
Ted Bliss
Dawn Dize
Matt Hart
Susan Rillo
Woody Zember

Council Members Absent: Jack Pierson, Mayor

Staff Present: Jamye Salazar, Town Manager
Rachel Kellam, Town Attorney
John Spivey, Chief of Police, OPD
Melissa Taylor, Clerk

Call to Order

Vice-Mayor Finney called the meeting to order at 6:30pm.

Invocation & Pledge of Allegiance

The invocation was given by Woody Zember and the Pledge of Allegiance was led by Susan Rillo.

Adoption of Agenda

Mr. Finney stated that the Payroll Review Committee is listed twice on the agenda. It will be discussed under Old Business and deleted from New Business.

Motion: To move the discussion of ORA to item 5B. by Woody Zember and seconded by Matt Hart.

Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

Motion: To delete 8B. Payroll Review Committee by Susan Rillo and seconded by Ted Bliss. Roll Call

Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

Motion: To adopt the agenda with the changes by Susan Rillo and seconded by Ted Bliss.

Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

Consideration of Minutes

Ms. Dize and Ms. Rillo each asked to make a correction to the minutes.

Motion: To accept the minutes of the February 5, 2018 Regular Monthly Meeting with corrections by Woody Zember and seconded by Ted Bliss. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

At this time, Council began their discussion of the ORA. Mr. Zember presented Council with current financial information from the ORA. A copy will be attached to the minutes. He asked that Council take the information home and read over it before any decisions are made. There was much discussion about this matter. Mr. Zember said that he and some of the other Council Members have wondered if the ORA would be willing to sell the tennis courts to the town. He said that they (ORA) have a Board meeting tomorrow night and will have more answers after the meeting. Mr. Hart and Ms. Rillo expressed concern that the bank that holds the mortgage will not want to release the tennis court property. Mr. Hart suggested that the town purchase the entire property and have the ORA sign a long-term lease to run it. Mr. Hart volunteered to attend the ORA Board meeting tomorrow night and gather information for Council. Mr. Zember said that we may get the property cheaper if it goes into foreclosure. Mr. Bliss

responded that we will get into a bidding war if it goes into foreclosure. Mr. Hart said he would like for us to make an offer much lower than what they owe and see if the bank will short sale it. He suggested offering \$50,000.00. Mr. Finney said he would like wait and see what happens if it does go into foreclosure. Mr. Hart said he does not think the bank will foreclose because they have been working with them on this matter for several years. He added that if Council wants to wait for the bank to foreclose, there is no reason for him to attend the ORA Board meeting tomorrow night. Mr. Finney explained that he is not only concerned about the bank note but also all of the other creditors that they owe. Mr. Hart reiterated that he thinks the town should step up and make an offer of about \$50,000.00.

Department Reports

Police Report & Schedule

Chief Spivey gave his report. He said that Officer Turner is no longer employed with us. He has advertised the vacancy and had quite a few positive responses. He warned Council that we may find it necessary to send someone to school. In April, Sgt. Bennett will be attending a Glock Armory Re-Certification course. In the matter of filling the police vacancy, Mr. Zember would like for Ms. Salazar and Chief Spivey to present their findings in a Closed Session. He feels that the entire Council should be involved in the final decision. Chief Spivey expressed concern, stating that there are very specific things that you can and can't ask in an interview. Mr. Zember agreed adding that he does not want the individual in the Closed Session. He just wants the Council involved in the final decision. Council agreed that Mr. Hart and Mr. Zember will sit in on the interviews along with Chief Spivey and Ms. Salazar, but Chief Spivey and Ms. Salazar will make the final decision.

Motion: To accept the April 2018 Police Schedule by Susan Rillo and seconded by Dawn Dize. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

Ms. Laurice Hohlt asked if there was an officer on duty the night of the blizzard. Chief Spivey said that he was on duty adding that he worked a 26-hour shift. Ms. Hohlt said that she was told by the ACSO that there was no officer on duty. Chief Spivey said there was some sort of communication problem because others were told the same thing. He is unsure what happened but the matter was resolved.

Treasurer's Report/Payables

Ms. Salazar gave her report noting that there are some additional payables.

Motion: To Pay the February 2018 Payables and additional payables by Ted Bliss and seconded by Susan Rillo. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

Town Manager's Report

Ms. Salazar has been in contact with VDOT quite a bit this month about pot holes and curb repair. She stated that they were also very helpful with several issues from the wind storm. There was a tree down on the railroad track and she contacted ES Railroad and they removed it and inspected the track. The letter of appreciation to VDOT for their help in the snow storm has been sent. She presented Council with a quote for more Welcome to Onley banners at a cost of \$158.00 each. The complaint about trash bags at the house on Pennsylvania Avenue has been addressed. Billye D. Custis said there are more there at this time. Ms. Salazar will look into that tomorrow. The clerk position was filled by Melissa Taylor. There was a group that wanted to hold a rally in town earlier in the month. Chief Spivey handled that matter along with Anne Dize from Four Corners LLC. There will be Crowd Control, Protests and Rally training on March 21, 2018 in Richmond that will require an overnight stay. She will be attending along with Chief Spivey and Sgt. Bennett. Mike Starling will be coming to mark the property so Bundick's can

proceed with the next step in the well and septic design and install. GMB has made the changes that were approved at last month's meeting. The 2017 delinquent tax letters have been mailed out. She asked for Council's permission to pursue collection using the town attorney if necessary. The FOIA request letters were sent to both counties as well as the local towns in preparation for the Payroll Review Committee. The decals and the receipt books have been ordered and received. Ms. Salazar read a letter from H.B. Rew expressing concern about the drainage issues on Madison Avenue. A copy will be attached to the minutes. Mr. Rew also attached two pictures and a letter that he received from his tenant, Norman Thibodeaux. Ms. Salazar has asked that Ms. Kellam look into the possibility of Council adopting a resolution asking that VDOT look into this matter as well as come up with a solution. The Town has received a thank you note from the Onancock Volunteer Fire Department thanking us for their portion of the ATL grant. A copy will be attached to the minutes. Ms. Salazar said that approximately six banners fell and four banners were destroyed in last week's wind storm. She is trying to have them replaced at no cost to the town since they are under warranty. Ms. Salazar asked that Council grant her permission to purchase a flag pole for the town office if she can find one at a reasonable price. Council agreed. She pointed out that she is no longer receiving a gas allowance. This is a decision that she herself made due to the fact that Council has been so generous to her over the last few months. She apologized for the mistake on the agenda as well as in last month's minutes. Lastly, she said that while she does not want to offend anyone, she feels that she needs to address a problem at the office. She reminded everyone that while they don't mind a visit once in a while, the town employees are very busy and it is not always productive to have people hanging around for long periods of time. Mr. Zember asked about the newsletter. Ms. Salazar said that it will come out towards the end of March. Mr. Zember would like us to advertise ES Communications. Ms. Salazar explained that we cannot advertise for a private company.

Attorney's Report

Ms. Kellam said that she has met with Mr. Pavlik to prepare for a meeting with Rose Pierson later in the week for the purpose of discussing changes to the Zoning Ordinance. She has been working on the resolution to have VDOT conduct the study on Madison Avenue. She said that she has had a few phone calls with Ms. Salazar regarding Kevlar vests. At this time, Chief Spivey stated that the vest in question belonged to Aaron Turner. He explained that he has loaned the vest to Mr. Turner to use until such time that the ACSO can provide him with a vest. The Chief said he understands that there may be some liability issues but he does want Mr. Turner to be protected. Ms. Kellam stated that she did not know until today that Mr. Turner had the vest and suggested that he be asked to sign a waiver. Although, she then stated that a waiver does not excuse certain liability. Mr. Hart asked if the ACSO will supply him a vest. Chief Spivey replied that they will but Mr. Turner stopped by the office and said that they (ACSO) are having some difficulty finding him one at this time. He added that he offered to sell the vest to them but they declined. He explained that it is an old vest and has no value to us. Ms. Kellam said that if it is an old vest, it incurs even more liability to the town. Mr. Hart said that in Ms. Salazar's weekly report, Council was told that he was not going to be allowed to use the vest. Ms. Salazar stated that was the original decision that was reported last week on Monday but then Chief Spivey loaned the vest to Mr. Turner on Thursday. Mr. Hart asked why Mr. Turner was loaned the vest if the decision was made not to lend him the vest. Chief Spivey said that when Mr. Turner came by to pick up his paycheck, he said he did not have a vest and he (Chief Spivey) was concerned for his safety so he loaned the vest. Ms. Salazar interjected that the decision was disclosed to Chief Spivey at the time that he offered the vest to Mr. Turner. Mr. Hart said he understands that we want Mr. Turner to be safe but we have to take the attorney's recommendation. Chief Spivey agreed but added that he is surprised by Ms. Kellam's decision since this is not an uncommon practice – borrowing and lending equipment is done between agencies all of the time. Chief Spivey made it clear that the ACSO never said they were not going to

provide Mr. Turner a vest. Mr. Turner asked for use of this particular vest since it was custom made for him. Council was leaning very strongly towards lending Mr. Turner the new vest. Billye D. Custis stated that she disagreed with that decision adding that it opens the town up to liability.

Motion: To have the Kevlar vest returned to the town by Matt Hart and seconded by Woody Zember.

Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

Zoning Administrator's Report

Mr. Pavlik read his report into the minutes. A copy will be attached. There was much discussion about the possibility of a downtown business district. There was also some discussion about a farmer's market.

Motion: To move the property that was formally the OVFD into the Enterprise Zone by Matt Hart and seconded by Ted Bliss. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes; Finney-yes.

MOTION PASSED

Planning Commission Report

Ms. Bliss said that Ms. Pierson has met with Ms. Kellam and Mr. Pavlik about some proposed zoning changes.

Public Works

Ms. Salazar said there is nothing new to report. Bruce has been here three days per week as requested. He is working on edging and cleaning the curbs as well as the normal duties around town. They were here this morning to repair and replace banners. He has trimmed the rose bushes and done some clean-up at the town office. Mr. Hart said the town has never looked better since we started edging.

Old Business

Mr. Zember said that several of our banners were destroyed in the wind storm. Ms. Salazar said that she is in the process of getting them replaced. Mr. Zember would like to purchase 10 more banners. Ms. Salazar gave them a quote of \$158.00 each. Council asked that we wait to purchase more banners until we resolve the issue with the current ones. Mr. Zember would like to put the flower pots back at the corner of Coastal and Main Street. Mr. Bliss reminded him that VDOT has given us terms to meet before we can do that. Mr. Zember wants to put them back but not in the VDOT right-of-way. Billye D. Custis said there is nowhere that you can put them on the church side that they won't be in the right-of-way. Mr. Finney asked who will take care of the flowers. Mr. Zember said that he will take care of them. Mr. Finney said that he wants to see a letter from him agreeing to do that. Mr. Zember said that he plans to have Simpson help with this also. Ms. Salazar said that the issue with Simpson is how he will get the water to the flowers. Mr. Zember asked Ms. Salazar to check with VDOT about the flowers. Ms. Salazar said she will if that is what Council wishes, but we know what the procedure is. She added that this is just a repeat of things from a year ago. Council agreed. Mr. Hart asked why his pots are allowed but not the towns. Ms. Salazar stated that she assumes it is because of the size- the town pots are much larger. Mr. Hart said that he has received permission from John Burr to bust up the concrete in front of the church office and put a garden there. He would like to pursue that option by getting pricing for that. Mr. Finney said that we will still have to get VDOT's permission. Ms. Salazar will check with them. Mr. Zember asked again how much money is left in the beautification budget. Ms. Salazar told him but reminded him that she will need some of that money to purchase mulch in the Spring. Laurice Hohlt said that Council is spending too much time talking about flowers and they should be talking about things like the downed fence at CVS and the trailer court. Council said that is private property and the town cannot fix that. Billye D. Custis said that the town cleaned up the trailer court years ago and never got reimbursed for the costs. Mr. Pavlik said that he doesn't believe the town can do anything about this issue but he will check into it. Ms. Salazar said that if the fence belongs to CVS, they will most likely be

responsive to a letter from us requesting the repair. Mr. Hart offered free mulch to the town if they need it.

Ms. Kellam said that she has researched the possibility of a charter change and she has some information that she wants to share. She said that the way that our charter and Virginia Code is written, once a Town Manager is hired, the Mayor becomes a town figurehead. Mr. Finney asked if that means there is no need to change the charter. Ms. Kellam said she can do more research if necessary. Mr. Zember would like to see the code that Ms. Kellam cited at the next meeting.

Ms. Salazar said the payroll review committee has received the FOIA responses and will now meet to put together some information for the budget workshop.

The Onley Recreation Association was discussed earlier in the night.

New Business

Ms. Salazar read the Bank Signature Resolution into the minutes. A copy will be attached.

Motion: To adopt the Bank Signature Resolution by Susan Rillo and seconded by Woody Zember.

Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

Motion: To re-appoint B. Scott Doughty to the BZA by Ted Bliss and seconded by Woody Zember. Roll

Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

Mr. Zember asked Council to consider a suggestion box at the Town Office. Mr. Hart is in favor of a suggestion box as long as there is transparency. He would like to have a specific form created for this purpose and when received, the form would be emailed to everyone on Council. Mr. Finney said the forms could be picked up at the town office. Debbie Bliss suggested that the forms be on the website to protect anonymity. Ms. Kellam said that if we choose to publicize comments that means all comments—even the ones that we don't like. Mr. Zember said that he wasn't suggesting we publicize the comments – only that we have a suggestion box. Ms. Kellam reminded everyone that emails are covered by FOIA – so once they are emailed, they are susceptible to FOIA. Ms. Salazar stated that regardless of what Council decides about the suggestion box, everyone has the opportunity to leave comments and suggestions at the Town Office. She added that anonymity is possible since they can drop things in the night drop when the office is closed.

Motion: To buy a small suggestion box and install it at the town office by Woody Zember and

seconded by Matt Hart. Roll Call Vote: Hart-yes; Rillo-no; Dize-no; Bliss-no; Zember-yes; Finney-no. MOTION FAILED

Council set the spring clean-up date for the week of April 16th with pick-up beginning April 23rd.

Mr. Finney said that he has had two complaint calls about burning in town. He would like to reevaluate the burn ordinance. He has issues with the size of the container or containment of the fire. There was much discussion about this matter.

Public Comments

Billye D. Custis said that she has never heard anything about buying tennis courts until tonight. She also asked about the stock holders because she knows some people that will want their money back. She said the banners were discussed earlier in the night. She is in favor of the downtown revitalization. She said that John Dennis gave Adam Simpson a large tank for watering flowers. She thinks that we should use the free mulch but also top it off with the nice red mulch. Lastly, she said the smoke from burning is a health issue for many people in town.

Laurice Hohlt said that Council wonders why people don't attend meetings but she has been here since 6:30 listening to Council and she has been unable to speak. Mr. Finney said that she has spoken up several times during the meeting without interruption. Ms. Hohlt complained that kids are playing in the street over by her house. She wondered if the town officers can tell the kids not to play in the street.

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There was an issue with someone riding a four-wheeler on the tracks. Chief Spivey said that he is aware of that matter but as long as he (the four-wheeler) stays on the track, he is not breaking the law.

Council Comments

Mr. Zember thanked everyone for coming. He would like to draw more people and ideas to the meeting. He agrees with Ms. Hohlt that Public Comments should be at the beginning of the meeting. He welcomed Ms. Taylor and said he is sure that she will do an excellent job.

Mr. Bliss agreed that Public Comments should be at the beginning of the meeting. He is bothered that this meeting took so long. He said that Council needs to do better – there is no reason an hour- long meeting should last three hours.

Mr. Hart said that while the meeting did last a while, we did accomplish a lot tonight. He feels that the pool discussion was important and he would like see the town acquire it. In the matter of burning, he would like to see us figure out a way that we can continue to allow burning in town. He does not want to see a burn ban in town. He welcomed Ms. Taylor. He said that he loves the idea of downtown revitalization.

Ms. Rillo apologized for such a long meeting. She welcomed Ms. Taylor and thanked the town employees for all that they do.

Ms. Dize welcomed Ms. Taylor. She apologized for such a long meeting and agreed that we could have accomplished what we did in much less time. She thanked Mr. Pavlik for his work on the downtown revitalization project.

Mr. Finney thanked the employees and his fellow Council Members.

Adjourn

Motion: To adjourn at 9:46pm by Ted Bliss and seconded by Woody Zember. Roll Call Vote: Hart-yes; Rillo-yes; Dize-yes; Bliss-yes; Zember-yes; Finney-yes. MOTION PASSED

Respectfully submitted by,

Jamye Salazar
Town Manager

Henry E. Finney
Vice-Mayor