

## Onley Town Council Minutes of April 2, 2012

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 2nd day of April, 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 Lance Eller. The Pledge of Allegiance to the Flag was led by Ned Finney.

### Adoption of Agenda

Mayor Custis asked to have 8A under New Business removed from the agenda.

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

### Consideration of Minutes

**Motion: To approve the minutes of the March 5, 2012 Regular Monthly Council Meeting by Ned Finney and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

**Motion: To approve the minutes of the March 22, 2012 Recessed Meeting by Lance Eller and seconded by Ned Finney. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### Department Reports

#### Police Report & Schedule

**Motion: To approve the May 2012 Police Schedule by Lance Eller 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 USDA grant funds for the car have been received and Sergeant Coulbourne will bring the car after the meeting so everyone can see it. Mr. Strautz asked how the Crown Victoria is running. Chief Marks stated that it is a good reserve car.

#### Treasurer's Report

Ms. Salazar stated that there are some additional payables that came in after the packets went out.

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

### **Zoning**

Mr. Engelhart stated that there is a special use permit coming up from Royal Farms. They are asking for two signs instead of one and also the size of the signs will be larger than our zoning allows. The Planning Commission has offered some guidelines and he has forwarded them to his contact at Royal Farms. He added that there is a Thai Restaurant coming to the Plaza as well as the possibility of something in the old CVS location.

### **Attorney's Report**

Ms. Burge stated that she has updated the personnel policy based on the comments made at the last meeting. She will discuss this further when it is reached on the agenda. She also suggested that Council consider making some decisions about the rainy day resolution that she presented to them at last month's meeting. In reference to the Royal Farms matter that was discussed earlier, she asked that Council and the Planning Commission remember why there is a zoning ordinance in place and make sure there is an extraordinary reason to deviate away from it.

### **Old Business**

Mayor Custis directed everyone to look to the left wall where there were numerous examples/suggestions for the exterior of the building – with dormers and without. She asked for everyone's thoughts. Mr. Chance had no comment. Mr. Strautz said that he would like to see the building brick from the ground to the bottom of the windows and vertical siding and finials from there to the roof. Ms. Dize said that she feels the building on the screen is very attractive and she likes the dormers. Mr. Pierson agreed that Mr. Strautz's idea sounds interesting but he would like to see the roof a little higher. He is concerned about the upstairs for storage or the possibility of offices there later. Mr. Higgins assured him that there is plenty of room for either adding that Truss Tech has suggested using false dormers. Mr. Eller would also like to see the changes that Mr. Strautz suggested as well. Mr. Finney also agreed with Mr. Strautz. Mr. Higgins agreed to make those changes and present them later in the night.

There was no Grant Coordinator's Report however the USDA car grant was mentioned earlier.

There is still a vacancy on the Planning Commission.

The holiday decorations have been ordered.

There has been no change in the matter of cleaning of the garage and pod.

Mayor Custis gave Council samples of the materials that will be used to construct the Welcome to Onley sign along with the sketches and pricing from Phillips Signs. There were also sketches and prices from ADCO. We are still waiting for Chesapeake Outdoors to get back to us. Council agreed to come back to this matter at the next meeting.

Mayor Custis asked if the travel expense policy shouldn't be in the personnel policy. Ms. Burge stated that it is there but in another section. Mayor Custis also asked about the inclusion of FMLA because she thought that Council intended to have it removed and this was one of the reasons for re-writing the policy. Ms. Burge added that the Town is not required to offer it since we do not have a minimum number of employees. She added that the problem with small Towns offering it is that when someone is out for an extended period of time, there is often no one to cover their position. After some discussion, Council decided to leave it in the policy. Mayor Custis also asked about FLSA. She explained that the police officers currently earn comp time at a rate of 1.5 hours per 1.00 hour worked whereas all other employees earn it hour for hour. Council agreed that the Town should be in compliance with FLSA and all employees shall earn comp at a rate of 1.5 hours per 1.00 hour worked. Ms. Burge will also include in the new policy the salary administration plan that she created several months ago. This will provide a salary range for the Town to use for each job classification. Ms. Burge will make the changes requested and come back with this policy at next month's meeting.

Mr. Eller presented Council with the draft RFP for Public Works stating that the scope of work will need to be added by Ms. Salazar as well as the determination of dates. Ms. Burge stated that she provided Mr. Eller with the RFP that is currently used by the Town of Cape Charles and she believes that it meets our ordinances as well. Mayor Custis likes the idea of having an individual price list for each job on the scope of work. Ms. Burge said that would be fine or perhaps Council would consider paying an hourly rate. Council agreed to set the dates and finalize the document at a recessed meeting on April 12<sup>th</sup> at 6:30pm.

Mayor Custis asked if everyone had looked over the draft Rainy Day Resolution. Mr. Pierson feels that we need to hold off on designating any money until we have more concrete figures on the new building. Mayor Custis explained that the proposed amounts are based on how much it will cost to run the Town for eight months in the event of a disaster. Ms. Burge added that the auditor's recommendation is 8% of your operating budget per year. She stated that the Town can set goals for how much each year they want to set aside and reminded Council that they cannot spend this money once it has been designated for a certain purpose. Mr. Finney feels that we need a reserve but is not certain that he wants to tie up a lot of money in a rainy day fund. His concern is that we may need money down the road for something other than a disaster. Ms. Dize feels that we do need a rainy day fund to protect our employees as well as the Town. Mayor Custis agreed. Ms. Burge stated that in the case of a disaster it really protects the citizens from higher taxes to cover the cost of running the Town. She added that Council should remember that just because they designate this as a policy they cannot bind future Councils. Mr. Pierson asked if there is any reason why this has to be done all at once and not over time. Mayor Custis stated that there is not but the Town does have the money to do it all at once at this time. Ms. Dize would like to see the Town start the Rainy Day Fund adding a little to it each year rather than all at once. Council agreed that they need to find out about final building costs before any money is designated for other purposes.

Mayor Custis stated that we are still waiting on some grant figures and there is also the possibility of our court fines being cut drastically due to new legislation that is being passed. Council decided to set the date for the final budget review and set the date for a Public Hearing at the meeting on April 12<sup>th</sup>.

Mr. Higgins had the requested changes to the exterior of the building ready at this time. Everyone agreed that this was what they had in mind for the building. Council asked Mayor Custis to acquire information from USDA and local banks as to what the process would be for borrowing as well as interest rates. Council thanked Mr. Higgins for his time.

#### **New Business**

**Motion: To donate \$6,000.00 to the Onley Fire Company by Lance Eller and seconded by Dawn Dize.**

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

**Motion: To hold the Spring Fling on May 26, 2012 by Don Strautz and seconded by Ned Finney. Vote:**

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

Council will make a decision about the Spring Clean-up once a Public Works contract has been secured.

**Motion: To hold the Veteran's Day Celebration on November 10, 2012 by Dawn Dize and seconded by**

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

The meeting for the CD renewing at Shore Bank will be April 12, 2012 at 6:30pm.

Mayor Custis stated that RFP's for the 2011-2012 Audit have been mailed with a return date of April 30<sup>th</sup>.

Mayor Custis asked Ms. Burge to read what the state code says in the matter of the decal ordinance since there has been some question as to whether non-active members of the Fire Department are entitled to a free decal. Upon reading the code, Ms. Burge pointed out that the code does state "active members" but without a definition of active, therefore we would use the dictionary definition of the

word. This does not include non-active or lifetime members. Mr. Finney stated that he feels this simplifies the issue and feels that the Town should follow the state code. There was a question as to whether citizens of Onley belonging to other fire departments should be given a free decal. Mr. Finney feels that we should not give them the decal but that their respective fire company should reimburse them. Ms. Burge stated that would be a policy matter for the fire company and would not involve the Town. The last question was how many free decals per household are allowed. Ms. Burge stated that our ordinance says one per active member therefore Council decided that there should be no cap on households - as long as each person is active they will receive one decal.

### **Public Participation**

Vicki Parker thanked Council for their time and stated that she thinks they do a fine job. She asked that Council consider hiring someone to clean up the Town. There was a gravel spill that was not cleaned up recently. There is also a litter issue on the road that leads to Texaco Town. She and her husband spent three hours cleaning a small stretch of this road over the weekend. She also asked that mosquito spraying be done at dawn or dusk and not in the middle of the day to protect the bees and butterflies. Mayor Custis assured her that we normally spray very early in the morning.

Anne Pepler stated her concern about the house across the street from her. She asked if there are any ordinances concerning the amount of people living in a house or how many cars that can be kept in a yard. Mr. Engelhart will look into this. Ms. Pepler also expressed concern about a building falling down on Pennsylvania Avenue. Mr. Engelhart will take a look at that as well.

Mr. Strautz asked Mr. Engelhart is there is a timeframe for work on a project. He stated that it looks like Mr. Hart has abandoned restoration of the old hotel. Ms. Burge explained that zoning doesn't regulate that. Mr. Engelhart explained that he can only get involved if the building is unsafe.

Jan Siglin added that Stella Rohde's house has been broken into and the front door was smashed in. Mr. Engelhart is aware of that.

### **Council Comments**

Ms. Dize expressed concern about the Hamilton property. There is a lot of trash and debris blowing over from the Zember's vacant lot. She thanked Ms. Pepler for her concern and Ms. Siglin for her help with the building.

Mr. Strautz thanked everyone for coming out and bringing things to the table.

Mr. Chance thanked everyone for coming.

Mr. Finney thanked everyone for coming. He thanked Mr. Eller for the work on the Public Works RFP.

Ms. Dize agreed.

Mr. Eller had no comment.

Mr. Pierson had no comment.

Mayor Custis read a letter from Mark Henry from ES Communications. They are providing broadband for several Towns and wanted to be here for last month's presentation. He would like to meet with Council again on this matter at their convenience.

### **Closed Session**

**Motion: To go into closed session at 8:35pm in accordance with Section 2.1-344-A of the Code of Virginia of 1950, as amended for the purpose of Paragraph 3, discussion or consideration of Acquisition of Real Property for a Public Purpose by Don Strautz and seconded by Dawn Dize. Vote: Chance=yes; Dize=yes; Eller=yes; Finney=yes; Pierson=yes; Strautz=yes. MOTION PASSED**

**Open Session**

**Motion: To return to Open Session at 8:55pm by Ned Finney and seconded by Jack Pierson. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

**Certification of Closed Session**

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: Custis-yes; Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes.

Mr. Finney asked where things are with the Nicolls property adding that Mr. Nicolls sold a piece of property recently. Mayor Custis stated that we should be getting the check this week for the judgment that was levied against him. Chief Marks stated that while his license to operate a car dealership has been suspended, his driver's license has not been suspended. Ms. Burge added that a letter has been issued to him concerning the Town cleaning his property should he not do so.

**Motion: To recess at 9:01 until April 12th at 6:30pm by Lance Eller and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

\_\_\_\_\_  
Jamye Salazar, Treasurer

\_\_\_\_\_  
Billye D. Custis, Mayor