

## Onley Town Council Minutes of April 2, 2018

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 2nd day of April A.D., 2018:

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

Council Members Absent: Jack Pierson, Mayor  
Susan Rillo

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 6:31pm.

### Invocation & Pledge of Allegiance

The invocation was given by Ted Bliss and the Pledge of Allegiance was led by Ned Finney.

### Adoption of Agenda

Mr. Hart asked to have the Onley Recreation Association moved from Old Business C. to 5B.

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

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

**Motion: To adopt the agenda with the changes moving ORA to 5B and excluding ORA from 7C by Matt Hart and seconded by Ted Bliss.**

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

### Consideration of Minutes

**Motion: To accept the minutes of the March 5, 2018 Regular Monthly Meeting by Dawn Dize and seconded by Ted Bliss.**

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

At this time, ORA gave their presentation. Lori Smith presented financial records, fundraising ideas, and a plan to eliminate the pool's debt. Ms. Smith stated that with the subsidized membership from last year's donation, the ORA had seven single and ten family new pool memberships from town residents. The ORA Board has agreed to a tennis only membership and will be adding a grandparent pass membership for this season. Ms. Smith stated that if the ORA continues the relationship with the town, they would like to increase the town resident's memberships by getting the word out sooner. ORA is asking the town for a \$6000.00 donation and in return will provide a subsidized membership rate for town residents. There was a thorough discussion over the financial status of ORA between Council Members and ORA Representative. Mr. Zember provided a detailed list of items he had reviewed per the ORA financials they had provided as to a way to help them with ways to eliminate the debit they owe. Mr. Bliss inquired on the number of members currently on the Board. He also asked if the ORA

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have reached out to town residents for a standing donation. Ms. Smith responded that has not been done, and that ORA is open to any suggestions. Mr. Bliss suggested having an open house. Ms. Smith stated that has been scheduled for June 2, 2018. Mr. Hart thanked ORA for coming before the Council. He also reiterated that if the town made the donation to ORA, they will honor the pool and tennis court discount for town residents. Mr. Hart stated, as a resident and Councilman, he feels that it is in the best interest of the town to help the ORA get going.

**Motion: To donate \$6,000.00 to Onley Recreational Association and return the town residents will get 50% off for individual and family memberships and 50% off tennis court membership by Matt Hart and seconded by Woody Zember.**

**No vote was taken at this time.**

Ms. Bliss questioned the ethnic makeup of the pool members and if they are adequately servicing all segments of the population of Onley. Ms. Smith stated that they have advertised through the public-school systems, flyers have been posted for the summer camps, and membership flyers had been sent out. This was a great way to reach all types social groups and socially economics groups. Ms. Bliss has concerns that some families will not be able to financially afford the cost of the membership. Ms. Bliss asked if they had thought about offering day passes for a day of least use through the week. Ms. Smith thought that was a great idea, something the board can look into, but they have by-laws they need to operate by as they are a membership based pool. Mike Davis asked Ms. Bliss how she recommended handling the diversity of the pool memberships. Ms. Bliss has concerns since it is public money the ORA is asking for, that the town is not reaching out to all diversities. Ms. Bliss would like the ethnic and socially economic composition of the pool membership to at least match the town residents. Ms. Smith stated that ORA will be looking into offering swim lessons for disadvantaged children, so that is a start in the right direction. Mr. Zember questioned whether there are any types of financial aid or grants that would help off-set some of the membership cost for the lower income families. Mike Davis recommended giving five-seven free memberships to diverse families within the town. Matt Hart asked if the ORA would be willing to include that offer of free memberships in with the subsidized membership agreement. Ms. Salazar has concerns about offering free memberships, how would you pick and choose who would receive the memberships. Several Council Members spoke up in opposition of the offer of the free memberships. Ms. Bliss has concerns that her tax money is being asked for a donation, but there isn't enough equality within the pool organization. Mike Davis stated that the ORA will not deny anyone. Mr. Hart would like to see the ORA dedicate one week within the year or two weeks within the summer to open up to the pool to allow all residents the experience in hopes to increase town interest and memberships. Ms. Smith responded she will reference the by-laws to see if that will be an option to offer to town residents. At this time, Brian McElwain, Dawn McElwain and Billy Ferguson spoke favorably of the ORA. Mr. Finney and Ms. Dize both thought that the donation of \$8000.00 given last year was a one-time occurrence. Ms. Smith stated that the ORA didn't intend for the donation to be a bail out, but instead just to establish a relationship with the Town of Onley

**At this time a vote was taken on the above motion:**

**Roll Call Vote:** Hart=yes; Dize-abstained; Bliss-abstained; Zember=yes; Finney-no Rillo-absent. MOTION FAILED

**Motion: To make a one-time donation of \$6,000.00 to Onley Recreational Association to be given in three installments over the next six months by Woody Zember and there was no second.**

**Motion: To give up to \$6000.00 to the ORA using a voucher reimbursement system pending attorney approval by Ted Bliss and seconded by Ned Finney.**

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

## **Department Reports**

### **Police Report & Schedule**

Chief Spivey gave his report. The meeting with the Payroll Review Committee was held and the next meeting is scheduled for April 12, 2018. Interviews were conducted, nothing has been nailed down at this time, one more interview has been scheduled for April 6, 2018. Mr. Hart would like to discuss the candidates that have been interviewed. Chief Spivey said he will not speak on the employee interviews or personnel matters in open session. Ms. Kellam stated that employee matters can't be discussed in open session.

**Motion: To accept the May 2018 Police Schedule by Ted Bliss and seconded by Dawn Dize.**

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

### **Treasurer's Report/Payables**

Ms. Salazar gave her report noting that there are some additional payables and interest that hasn't been posted at this time.

**Motion: To Pay the March 2018 Payables and additional payables by Ted Bliss and seconded by Woody Zember.**

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

### **Town Manager's Report**

Ms. Salazar opened by thanking John Dennis for the repairs made to the flag pole and to Councilman Bliss for donating a new flag. She also thanked Martha Lassiter Johnson, who donated photos from 1926 of the old Onley School. She thinks it would be nice to hang these in the new building. Ms. Salazar has been working with John Pavlik on Zoning issues. Melissa Taylor has done great at learning the process around the office. Aaron Turner's vest was returned to the office on March 6, 2018. Property markers have been installed at the new town office site. The Demonstrations, Protest and Crowd Control Rally was postponed due to weather and has been rescheduled for May 10, 2018. Ms. Salazar was involved with the interview process of the Town Police Officer position. Vehicle decals are on sale now, sales are down at this point. Auditors will be attending next month's meeting to give an audit. Spring clean-up dates have been set and proper advertisement has been completed. The newsletter will be sent out this week. The pot holes on Washington Street have been repaired. Mr. Zember asked if Ms. Salazar had spoken to VDOT in reference to the corner of W Main St. and Coastal Blvd for beautification purposes. Ms. Salazar has spoken with Mr. Pusey from VDOT, if landscaping is in the right of way we will be required to have a permit, if not in right- of -way, a permit is not required, but all plants will need to be two feet or less or VDOT will still get involved. Mr. Zember would like to have some more children playing signs to be put up in town. Ms. Salazar will follow up on the requirements of those signs with VDOT. Ms. Salazar mentioned a new resident on Maple Street who would like to house a miniature horse. One neighbor has expressed concern. Ms. Salazar suggested they come before Council or put in writing their concerns, at this time Ms. Salazar hasn't received anything in writing. Ms. Dize asked about the repairs to the curbing on W Main Street. Ms. Salazar stated VDOT is aware and repairs will be completed once we were clear of the winter weather, she will follow up with VDOT for an update. Mr. Hart asked about the status of the repairs to the sidewalks from photos that were submitted to VDOT some time ago. Ms. Salazar will follow up with VDOT for an update. Ms.

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Kellam stated that VDOT is waiting to hear if the state is going to provide funding for repairs and that answer is around first of July 2018. Mr. Hart asked that we post on the towns Facebook page the ORA town membership discount rate so that the residents will be aware of the rates. Ms. Salazar stated that she will post on the Facebook page as well as the website. Mr. Bliss asked if follow-up was made with Accomack Register's Office about being sworn in for the extended term. Ms. Salazar states that the Council Members will have to be sworn in for the additional six months July – December period.

### **Attorney's Report**

Ms. Kellam said that she has drafted the VDOT resolution regarding the drainage problem on Monroe and Madison Ave. The BZA order has been submitted to the Circuit Court appointing new and remaining members. She has researched other Virginia town burn ordinances. She met with Ms. Pierson of the Town Planning Commission regarding changes to residential business zoning. She spoke with Mr. Pavlick, Zoning Administrator about possible non-conforming signage on route 13, will need schedule a meeting to discuss compliance. She had a discussion with the Town Manager and a Council Member about ORA meeting that wasn't authorized by the town. Ms. Kellam spoke about having better practices when scheduling meeting with outside agencies.

### **Zoning Administrator's Report**

Mr. Pavlik read his report into the minutes. A copy will be attached.

Mr. Zember would like an update on the process of CVS fencing repairs. Mr. Pavlik will follow-up on the repairs but stated we can't mandate them to fix the fence. Mr. Zember asked Mr. Pavlik to keep an eye out on a property they had discussed. Mr. Hart inquired on the process to get the Downtown Business District going. Mr. Pavlick will have to establish an overlay, present to Planning Commission, hold a Public Hearing for a change, then it will need to be voted on. Mr. Hart asked to have some changes be made and a piece a property be added to the proposal. Mr. Pavlik will research that request as that property is zoned residential. Mr. Finney asked if there were any other horses in town and if there is an ordinance. Ms. Salazar stated that we do have other horses within town limits. Ms. Custis stated that there is a nuisance ordinance for the neighbors. Mr. Pavlick asked the Council if they would like him to proceed with the overlay with the Planning Commission. Council responded, yes.

### **Planning Commission Report**

Ms. Bliss that the reported meeting was held March 28, 2018 with continued discussion of home businesses. Ms. Pierson met with the town attorney. The Planning Commission will meet again next month.

### **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. Ms. Hohlt volunteered to oversee Bruce with the clean-up of the flower bed on E. Main and Coastal Blvd. Ms. Dize gave Davis Disposal praises for going above and beyond the call of duty for the town residents.

### **New Town Office – 25571 East Main Street**

Ms. Salazar stated that she has been in contact with Morgan Helfrich several times this month. The invitation to bid has been completed, draft is available at the Town Office. A list was provided to Morgan of four local contractors that requested to be notified once the town was ready to accept bids. Bundick's has started their process. The project manual is sixty percent complete, copy is available at the Town Office. There are questions about the IT equipment and additional electrical outlets. Morgan has received preliminary approval from Accomack County and VDOT.

### **Old Business**

Mr. Zember spoke on town beautification. He will make sure that prior to the flower pots being placed in town, all work will be completed and the flowers will be up to code and that the pots will be out of VDOT's right-of-way. Ms. Salazar stated that the banners that were damaged in the wind storm are being replaced. Ms. Salazar presented two different types of banners. The quality and the price difference is about \$60.00 more for the better-quality banner. Mr. Finney recommends ordering the better-quality banner also he questioned getting better hardware on the poles. Mr. Bliss would like to see more of the custom banners. Mr. Hart would like to see the American Flag and State Sealed flags alternated throughout the town with the town banners.

Ms. Kellam opened discussion on burn ordinance. The town ordinance comes straight from the Virginia code, and to change the town will have to get approval from the State Air Pollution Control. Mr. Bliss recommends having more than one fall clean-up, Mr. Zember in agreement. Multiple pick-ups may prevent the burning of leaves, which seems to create the most smoke and problems. Ms. Salazar spoke on the RFP for Public Works, which is up for renewal, this will be a good time to consider adding in the additional pick-ups.

Ms. Kellam opened discussion on Charter Changes. Ms. Kellam gave an explanation of the town ordinance of the town Mayor/Town Manager in the Town Charter. Prior to the Town Manager being hired the town ran under a Mayor/Council Government. Since a Town Manager has been hired the town will run under a Manager/Council Government. The Town Manager will now become the Chief Administrative Officer. Mr. Bliss would like a special meeting to discuss the agonism more in length.

### **New Business**

Ms. Kellam completed a VDOT resolution regarding the drainage problem on Monroe and Madison Avenue.

**Motion: To adopt the VDOT Resolution by Ted Bliss and seconded by Matt Hart.**

**Roll Call Vote:** Hart=yes; Dize=yes; Bliss=yes; Zember=yes; Finney=yes; Rillo-absent. MOTION PASSED  
A copy of the Resolution will be attached

Discussion of Town Council Payroll - Mr. Hart would like to add two paid sick days per Council term. Mr. Bliss agrees but feels there needs to be some stipulations. Ms. Dize stated that this benefit had been provided in the past and that some Council Members took advantage of it. Ms. Custis spoke of the missed visits by the Council Members in the past adding that you should be on the Council for the right reasons and not for the money. Mr. Dennis stated he was on the Council for the right reasons, for the better of the town.

**Motion: Town Council Members and Mayor get two paid sick leave days per term not to run consecutively by Matt Hart and seconded by Woody Zember.**

**Roll Call Vote:** Hart=yes; Dize=no; Bliss=yes; Zember=yes; Finney=no; Rillo-absent. MOTION PASSED

2018-2019 Budget Workshop scheduled for April 16, 2018 at 6:30 at Onley Baptist Church. Ms. Salazar will discuss advertising the RFP for Public Works at that meeting.

### **Public Comments**

Bill Ferguson offered the town the use of the new sound system that the church has installed for the monthly meeting.

Billie D. Custis had no comments at this time.

### **Council Comments**

Mr. Hart said that it was nice seeing all the people out tonight for the meeting. He thanked the Council for the donation to the ORA, and he felt it was a nice deal for both organizations. He thanked all employees. In regards to the sound system the church has installed, and the offer to use from Mr. Ferguson, he thinks it is a great idea to begin to use it. It will bring the meeting to a more professional level, and what is being said can be heard throughout the room. Thanks to Mr. Dennis for fixing the flag pole. He would like to see a designated area in town for the kids to be able to go and play instead of playing in the streets. Since the town has very little land, maybe approach the ORA for a piece of property to lease. He appreciates all who attended the meeting tonight. He welcomed the new Tax Service in town.

Mr. Bliss thanked Mr. Dennis for the repairs made to the flag pole. He thanked all who attended the meeting. He agrees with Mr. Hart that an area needs to be established for the kids to play in town and he feels reaching out to the ORA might be a good first step. He thanked all employees. He offered many thanks to fellow Council Members. Thanks to town residents for the support and active participation at the council meeting.

Ms. Dize had no comments at this time.

Mr. Zember thanked everyone for coming. He thanked all the town employees they do a good job. He thanked Mr. Ferguson for offering the use of the sound system. He was glad to see that an agreement has been made with ORA. He thanked Mr. Dennis for the repairs made to the flagpole and also for the water tank that he had given to the town. Mr. Zember stated once the new town building is built, he would like to see the town begin community activities for the town residents.

Mr. Finney thanked the employees and his fellow Council Members. Mr. Finney spoke directly to Mr. Hart stating that "you said that you weren't going to post anything else on social media". Mr. Hart asked Mr. Finney why he wanted to get so political adding that this is the time for Council comments. Mr. Finney said he saw that Mr. Hart has once again been positing negative things on social media. Mr. Hart then replied that what Mr. Finney said was on public record and he (Mr. Hart) can say what he wants on social media. Mr. Hart said to Mr. Finney "if you want to take me to court, take me to court." Mr. Finney replied that Mr. Hart lied to Council by continuing to post on social media after promising that he would not. Mr. Finney then stated that Mr. Zember was the first person to mention the Onley Pool going into foreclosure. Mr. Hart replied that "you said I think we need to wait for them to go into foreclosure." Mr. Finney stated that he said that but only after Mr. Zember stated it first, but Mr. Hart did not post Mr. Zember's name on Facebook. Mr. Finney then read an excerpt from Mr. Hart's Facebook post stating that "Vice-Mayor Finney is wrong to state that we need to wait for the pool to go into foreclosure, we lost the OVFD by the same type of thinking." Mr. Finney said that Accomack County closed the OVFD – the town had nothing to do with it. Mr. Hart then referenced the ATL grant money that the Council held off on giving the OVFD adding that Ms. Dize and himself both encouraged the Council to release the funds while Mr. Finney and his group were trying to hold them. Mr. Finney then stated "and where did those funds go once we gave them to the OVFD, we might as well have thrown them in the ocean." Mr. Hart replied that kind of thinking is exactly what he does not want to see. Mr. Hart once again stated that he can say whatever he wants on social media and if Mr. Finney doesn't like it, he can take him to court. Mr. Finney responded that he does not want to take Mr. Hart to court because Mr. Hart already has enough people taking him to court. At this time, Billye D. Custis stated that Mr. Hart did agree to stay off of social media. Mr. Hart then said to Ms. Custis "this is Council Comments." Mr. Finney said

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“well, this will go on the record.”

**Adjourn**

**Motion: To adjourn at 9:24pm by Matt Hart and seconded by Ted Bliss.**

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

Respectfully submitted by audio,

Melissa Taylor  
Clerk

Henry E. Finney  
Vice Mayor