

Onley Town Council Minutes of May 7, 2018

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 7th day of May 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 Susan Rillo and the Pledge of Allegiance was led by Dawn Dize.

Mr. Finney opened the meeting by stating there will be no interjections from the audience unless granted permission by Council and Public Comments will be limited to three minutes.

**Adoption of Agenda**

**Motion: To adopt the agenda of May 7, 2018, Regular Monthly Meeting by Ted Bliss and seconded by Susan Rillo.**

**Motion: To add under Old Business 8G - Executive Session for personnel issues by Woody Zember and seconded by Matt Hart.**

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

**Motion: Rescind the above motion to adopt the agenda by Ted Bliss and rescind second by Susan Rillo.**

**Motion: To adopt the agenda with the changes adding in under 8G Executive Session by Ted Bliss and second by Susan Rillo**

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

At this time, David Foley/ Robinson Farmer Cox Associates presented the results of their audit of financial statements for the fiscal year ending June 30, 2017. The town received an unmodified opinion, which means the town financial statements have been prepared with generally accepted accounting principles, a clean opinion. Mr. Foley went over in detail with Council the fund financials (assets, liabilities, revenues, expenditures). The audit was clean; with no concerns. Mr. Foley thanked Ms. Salazar for her help during the audit process and praised her for the excellent work. Mr. Hart had

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questions on the ending balances for the fiscal year of 2017 and today's balance. Mr. Salazar explained the deposit process, and that the auditors will move the deposit to the period of which the deposit belong during the audit process which will change the ending balance totals. Mr. Finney inquired when the firm began doing the audits for the town and if the audits have been clean. Mr. Foley thought they started completing audits for the town around 2010 and that other than the first couple of years and with a few recommendations in earlier years all audits have been clean. Ms. Salazar stated in 2010 the town received a management letter, but since then all audits have been clean. Ms. Salazar has notified Foley/ Robinson Farmer Cox Associates of the correction that needs to be made before the final copy has been completed. Mr. Zember would like to review the 2017 Audit before adopting. Ms. Salazar will put the 2017 Audit on the June 2018 monthly Council meeting agenda to adopt.

### **Consideration of Minutes**

#### **April 2, 2018, Regular Monthly Meeting**

Mr. Zember questioned where in the minutes that the ORA is open to all nationalities. Ms. Salazar stated the on page two half way down page, Mr. Davis from ORA noted that ORA would not deny anyone. Mr. Zember accepted Ms. Salazar's response on the ORA discrimination policy question. Mr. Zember accepted Ms. Salazar's response on the ORA discrimination policy. Mr. Zember questioned Ms. Salazar about Mr. Spivey's statement about not discussing employee interviews or personnel matters in open session. Mr. Salazar stated that the minutes, are done from the recording, and she also confirmed with Mr. Spivey that he had made that comment. Mr. Spivey confirmed he had made that statement. Mr. Zember also confirmed that Ms. Kellam stated that employee matters are not to be discussed during the open session. Mr. Hart would like a change made to Mr. Finney's Council comments from the April 2, 2018, Council meeting about Mr. Hart posting negative comments on social media. Mr. Hart wants on the record he wasn't making negative comments about the town on social media but instead was seeking support for the Onley Recreation Association, and that the Council shouldn't have the mindset to let the pool go into foreclosure. Ms. Salazar stated that the minutes come from the recording and we can only put into the minute's information of importance. Mr. Hart noted that Mr. Finney read parts of Mr. Hart's Facebook post, but that was not stated in the minutes. Ms. Salazar said we (Ms. Taylor & Ms. Salazar) would go back and listen to the minutes from the April 2, 2018, Council meeting and that Mr. Hart is welcome to join us while we review. Mr. Hart has concerns that the minutes are misleading to the public and that vital information is omitted from the minutes. Mr. Hart would like Council comments documented as said, as he knows town residents breeze through the minutes and read the Council comments. Mr. Hart stated the Council comments had been shortened to a few sentences when in fact what people say would be full paragraphs. Ms. Salazar invited Mr. Hart to come into the office and listen to the recording of the April 2<sup>nd</sup> meeting as the minutes are being done. She noted that the minutes are taken directly from the recording. She stated that the Clerk cannot sensationalize minutes - meaning that they cannot add things that were not said or things that someone may wish they had said or even meant to say. Ms. Salazar and Ms. Taylor will meet with Mr. Hart the week of May 14-18, 2018 to review minutes. The April 2, 2018 minutes will be added to the June 2018 Council Meeting agenda for adoption.

#### **Motion: To accept the minutes of the April 16, 2018 Special Meeting / Budget Workshop by Dawn Dize and seconded by Susan Rillo**

Mr. Zember questioned Ms. Custis's statement on behalf of SPOTS asking for a donation of \$5,000.00 for building repairs. Mr. Zember would like to add to the agenda tonight for consideration. Ms. Salazar stated there was discussion of the donation during the budget workshop and Ms. Custis was asking when completing the budget that Council put some money in the donation line to consider giving a donation to SPOTS at a later time.

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Mr. Finney asked if there is any discussion about the minutes to speak up before the motion is made. Roll Call Vote: Hart-yes; Dize-yes; Bliss-yes; Zember-yes; Finney-yes; Rillo-yes. MOTION PASSED

### **Motion: To accept the minutes of April 26, 2018, Special Meeting / Budget Workshop**

Mr. Zember stated he wanted on record Mr. Finney's statement about the new building wall partitions added to the minutes, and that wasn't done. Ms. Rillo noted the new building conversation started, but the discussion was stopped immediately by Mr. Finney and explained it didn't pertain to the budget. Mr. Zember asked Vice Mayor Finney if he had made a statement about the wall partitions. Mr. Bliss answered by stating he had directed the question to Mr. Finney about the new building walls and he was out of line for that. Ms. Salazar and Ms. Taylor will meet with Mr. Zember the week of May 14-18, 2018 to review minutes for clarification.

**At this time no vote was taken on the above motion**

### **Department Reports**

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

Chief Spivey gave his report. Officer Long will attend General Instructor School on April 8, 2018. Chief Spivey will be out of the state June 23, 2018 – June 30, 2018, as noted on the schedule. Mr. Hart asked for an update on the interview with the candidate for the Officer position. Chief Spivey responded that employee matters would need to be discussed during closed session. Chief Spivey and Ms. Salazar confirmed they had conducted an interview and at this time the candidate is in process. Mr. Zember received two complaints from town residents; first, they would like to see the town patrolled more frequently within the town limits itself; secondly, the business owners would like to see more frequent business checks with tags of completion. Mr. Zember also inquired if the citizen check of town residents was still in place. Chief Spivey responded a program was implemented and residents notified via the town newsletter, and there was no interest. At this point, the residents notify the town office if additional checks are required on a particular residence. Mr. Hart also had concerns with the business checks in town, stating that the ACSO complete checks and leave tags and that the town does not, it shows negatively on the town if the County is completing and the town isn't. Chief Spivey responded that the town and businesses are being patrolled and checked on a very regular basis, as he completes the checks himself, and just because they don't leave a slip in business's doors doesn't mean they are not getting done. Chief Spivey will follow-up with the other officers and make sure business checks are being completed and will look into getting tags for business doors. Chief Spivey encourages anyone to come into the office with any complaints or concerns about any Police Department matter and notes he receives a lot of compliments on how well the town is being patrolled. Mr. Zember had an on-going concern about the number of children recently playing in the streets and asked Chief Spivey if any enforcement or signs could be placed in town to prevent any incidents. Chief Spivey stated that the "Children at Play" signs are a program that is no longer available. Chief Spivey noted this issue was brought up in a previous Council meeting and since then the officers have been monitoring the children's activity closely, and the children are not doing anything that he considered dangerous. He also stated that the safety of the children lies in the responsibility of the driver, pedestrians have the right-of-way, and these roads are not high-speed traffic roads. Chief Spivey said, at this time this isn't a illegal matter, and it would be inappropriate for a Police Officer to get involved. Mr. Hart wants to go on record stating a single-family home is currently occupied illegally and being used as a duplex residence and at this time there is no electricity or running water at that home, and he thinks according to zoning it is a single-family residence. Ms. Rillo commented that residence has been discussed in the past and

asked Ms. Custis to respond. Ms. Custis stated that house has been a duplex for many years, as far back as she can remember. She doesn't have the zoning information with her, but as far back as the 1950's it has always been a multiple family duplex.

**Motion: To accept the June 2018 Police Schedule by Susan Rillo and seconded by Ted Bliss.**

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

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

Ms. Salazar gave her report noting that there are some additional payables and interest that haven't been posted at this time. Mr. Bliss questioned the \$200.00 payment to the OVFD. Ms. Salazar responded that Chief Spivey purchased items from an Estate Sale for the Police Department, and she received approval from Vice Mayor Finney. Ms. Dize asked what the GMB invoices were. Ms. Salazar responded that the invoices were for architectural design fees for working on changes to the building plans, a detailed copy of the bill is available if anyone would like to review. Mr. Zember would like to see the Custis, Dix & Lewis monthly statement and the Anthem Health Insurance invoice and policy. Ms. Salazar will get both request ready for his review. Ms. Dize recommends that on the payroll report only showing the employee's gross income instead of a full breakdown of employee's pay, all Council members were in agreement. Mr. Hart inquired if the payables included the GMB and Bundick invoices.

**Motion: To Pay the April 2018 Payables and additional payables by Susan Rillo and seconded by Ted Bliss.**

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

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

Ms. Salazar opened by saying she has been working on the 2018-2019 budget. She continues to work with Melissa Taylor, she is learning very quickly, and things are coming along nicely, and she much appreciates having her. Ms. Salazar attended (with Vice Mayor Finney) two Infrastructure meetings, one on April 9, 2018, with a Representative from Congressman Scott Taylor's office to come up with ideas for projects that will support both Accomack and Northampton Counties since there is money in discretionary funding to help rural communities. Ms. Salazar attended (with Vice Mayor Finney) and other town representatives an Infrastructure meeting on April 14, 2018 and met with Congressman Scott Taylor at the Chamber to discuss the two projects from the previous meeting. The project ideas discussed were: regional water and sewage system, workforce housing, coastal resilience storm water management, repurpose empty town buildings, and national gas pipeline. The premise is to come up with a project that will benefit both counties. Ms. Salazar attended a meeting with Chris Isdell, VDOT, Bill Kerbin, Onancock Town Manager, Mike Mason and Rich Morrison, Accomack County, Barbara Schwenk and Kurt Smith, ANDPC about proposed changes along Market Street from the Onley Town Limits Sign (side of Four Corners building) to Hill Street in Onancock. The changes are not within town limits. The proposed change is a Road Diet; it will decrease the number of lanes for traffic and will have a path for pedestrians and bicycles. She has addressed two chicken complaints; the property owners were notified via certified mail, and a Police Officer hand delivered to the tenants as both properties are rentals, both complaints were resolved. She has addressed one grass complaint at a residence on Caroline Avenue; a letter sent via mail, that complaint was resolved. She will continue to check yards around town for tall grass and will address as necessary. Ms. Salazar asked Council's permission to shop around for different banner companies for better quality/styles of banners. Council agreed. Ms. Salazar has contacted the Railroad about spraying around tracks, has left several messages at this time no one has called back, she will continue to try and make contact. Ms. Salazar has received several complaints of the children playing around town; Chief Spivey and Ms. Salazar addressed the issue under Police

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report. Ms. Salazar spoke with Supervisor Laura Belle Gordy about the "Children at Play" signs. Ms. Gordy told her that the request for the signs will need to come from Accomack County, and she has been trying for some time to get these signs herself, with no luck. Ms. Salazar will follow-up with Chris Isdell, VDOT to see if he has any input on the process. Ms. Salazar attended the yearly VML training on April 18, 2018. Ms. Salazar states the spring newsletter was completed and mailed out.

Ms. Salazar will address VDOT issues:

The sidewalk project is still on hold waiting for the new upcoming 2018-2019 budget; the state has received the repair packet request and photos that were submitted. The Madison/Monroe Resolution will need to be adopted by Accomack County and forwarded to VDOT. The curbing on West Main Street she will contact Chris Isdell, VDOT for an update and a timeframe on the repairs. Mr. Hart reached out to Ms. Salazar about Vice Mayor Finney voting in the absence of the Mayor. Ms. Salazar verified with Ms. Kellam and Michele Gowdy from VML that Vice Mayor Finney is acting in the absence of the Mayor and still has the right to vote. There were no motions proposed that Vice Mayor Finney voted on that would have changed the outcome of the action. Mayor Peirson has not resigned or in a debilitating state and is still involved with town functions which allows him to continue in the active Mayor role. The bank signature resolution that was adopted last month will need to be addressed again at next month's meeting because the signatures haven't been changed at this point, as Mayor is unable to get to the bank to sign. Ms. Salazar stated Council Members terms were extended July 1, 2018 - December 31, 2018, so all Council Members will need to be sworn in again for that six-month period. Ms. Salazar will complete a letter for the Council Members to take to the Accomack County Clerk's office to be sworn in for the extended term. Mr. Finney stated he has a big pothole in front of his house; he asked Ms. Salazar to add to her VDOT list. Mr. Zember is having drainage issues on his property; ditches need cleaning out; he also asked Ms. Salazar to add to her VDOT list of items. Mr. Bliss stated since standing water could pose health problems should the DEQ be notified. There are several places in town with standing water, and it is a breeding place for mosquitoes.

### **Attorney's Report**

Ms. Kellam attended the April 16, 2018 special budget meeting workshop. She reviewed the Public Works contract, and reviewed some additional items added to the Public Works RFP. Ms. Kellam met with Ms. Salazar regarding a Police Officer applicant and an off-sight sign application. Ms. Kellam met with the Planning Commission on two different dates regarding residential business definitions. Ms. Kellam completed research on Vice Mayor Finney ability to vote in his current role on Council and staggered Council terms. Mr. Zember stated that he would like Ms. Kellam present at all meetings with three or more Council Members in case legal advice is needed. Ms. Salazar noted that in the past the Attorney has not present during budget meetings but has always been present during regular Council Meetings with three or more members present. Mr. Hart agrees with Mr. Zember that the Town Attorney should be at all meetings to make sure all business matters are compliant in accordance with the law. All Council Members were in agreement with the Attorney being present at all meetings. Ms. Kellam agreed and will be in attendance at all meetings. Mr. Hart asked Ms. Kellam if she would be handling the Zoning Applications since the town Zoning Administrator position is vacant. Ms. Kellam responded in the absences of the Zoning Administrator she could review and make recommendations according to the interpretation of the Town Ordinance and report her findings to Council. Mr. Hart stated the permit in question is an off-sight signage application for Crossroads Coffee Shop, and he would like it added to next month's agenda for discussion.

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

Mr. Salazar reported that Mr. Pavlick resigned on April 12, 2018, at which time several requests for permits were pending and several have come in. A demolition permit, swimming pool permit,

construction/signage permit, and two separate sign permit applications. At this time no action has been taken on these requests.

### **Planning Commission Report**

Ms. Rillo reports they have been working on revamping zoning ordinances to preserve the residential neighborhoods within the Town of Onley. The Planning Commission Members have proposed revisions to the zoning ordinances on pages 11-12. The proposed change is "terminology" to replace Residential Business to Home Business. The difference is a Residential Business the property owner doesn't have to be present (etc.: rental property) and a Home Business the homeowner does have to live in the residence. Planning Commission asked the Council to allow the proposed changes to go to public hearing. All Council members agreed, and the meeting will occur June 4, 2018. Copy of the proposed changes will be attached.

### **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 cleaning of storm drains, litter pickup, spraying and weeding, edging, street cleaning and has started cutting the grass around town. Ms. Salazar reports she has received several compliments on the excellent clean-up job Bruce completed in the Lakewood development. Ms. Hohlt volunteered to oversee Bruce with the clean-up of the flower bed on E. Main and Coastal Blvd. Town clean-up was completed.

### **Old Business**

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

Ms. Salazar stated that the soil work was completed on the lot. Bundick's sent the well and septic design proposal to Ed Young, Engineer, and plans were approved. Accomack County Health Department requested a letter stating that the current well on the lot was abandoned. Bundick's has completed the abandonment of the well, and also sent the notification to the ACHD. GMB has supplied the town with stage drawings and specifications; that was most of the bills in the additional payables. GMB and Bundick's are currently working on the water and sewage designs, and that is coming together nicely, and there are some additional IT and electrical questions that Ms. Salazar will work out with Mr. Finney. Ms. Salazar and Mr. Finney had a conference call with GMB about the \$10,000.00 building changes that were approved but had not been completed, this issue did get resolved, and the proper corrections were made to the plans. As it stands now, the building is proceeding nicely, and progress being made daily. Mr. Zember would like a copy of the building plans and an electronic copy of the building specifications. Ms. Salazar will provide a copy for Mr. Zember. Mr. Hart had questions on the bidding process and asked if the only thing completed for the new building is the well and septic at this time. Ms. Salazar stated that the RFP was approved, but the RFP has not gone out for bids. The RFP will be advertised in the local ES Post and the Salisbury Times when the time comes. GMB has provided a list of contractors they have worked with, and Ms. Salazar provided GMB an additional four local contractors that have shown interest. Ms. Salazar stated that GMB has recommended installing a well and septic that allows cars to drive over and Mr. Bundick doesn't feel that is necessary due to the location of the well and septic and the expense. Mr. Bundick will work with GMB to work out this issue.

### **Town Beautification**

Mr. Zember spoke on town beautification. Mr. Zember asked Ms. Salazar if she was going to have the

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flower pots planted and moved uptown. Ms. Salazar responded that she would get the flowers and have Bruce plant the containers, but she has concerns about moving uptown. She wants to make sure the flowers pots are not in VDOT right-of-way, or the town will have to go through the permitting process per Dale Pusey from VDOT. Mr. Zember would like the flower pots placed on private property so that VDOT will have no involvement with the containers as far as flower height or right-of-way concerns. Mr. Zember has received permission from the landowners to place pots on their property on all four corners of Coastal Blvd, East, and West Main Streets. Mr. Bliss recommends getting something in writing from the property owners documenting authorization for the Town of Onley to place pots on their property. Ms. Kellam will compose a legal document pertaining to the flower pots on the town resident's private property. Mr. Zember will be in contact/meet with Lance Eller from VDOT to mark where the containers should be placed safely off of VDOT's state right-of-way. Mr. Hart asked if the flower bed on the corner of East Main St. and Coastal Blvd. (Lighthouse Ministry corner) will be cleaned up and weeded. Ms. Salazar responded this is one of the projects that Ms. Hohlt will oversee Bruce with, weeding, planting of new flowers, and fresh mulch. There was much discussion about town banners. Mr. Zember would like to research other banner companies and try a different style for better quality and larger size. Ms. Salazar said that she would research other banner companies, but the size of banner we currently have now is the largest we are allowed to put up the pole. Mr. Zember asked if moving the banners to the interior side of the pole would that permit larger banners. Ms. Rillo asked instead of getting replacement banners see if the company will provide a company credit to purchase additional brackets. Ms. Salazar noted that the current banner company would replace all defective banners as there is a five-year warranty and that some have already been replaced, and she will contact the company for possible company credit going forward instead of replacement banners. She will also research other banner companies and pricing. Ms. Salazar stated that the American Flags would be going up on poles in observance of Memorial Day.

### **Onley Recreation Association (Clarification of Motion from April 2, 2018)**

Ms. Salazar asked for clarification for public record the motion made on April 2, 2018, 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.

Ms. Salazar asked Council if she understood the voucher system correctly and that the ORA will only be reimbursed the number of vouchers for actual memberships sold up to \$6,000.00, any difference will be forfeited back to the town. Mr. Hart stated on record that he made a motion to give the ORA a full \$6,000.00 and not to use a voucher reimbursement system because the town residents would get something in return. Mr. Bliss stated that he is not in favor of keeping organizations alive by donating taxpayer money each year and by using the voucher reimbursement hopefully it will make ORA make more of an effort to get more town residents to join the pool. Mr. Bliss also stated he asked ORA representatives to come before the Council to give updates and at this time no one has done so. Mr. Zember would like to provide the ORA with initial monetary payment, once he receives a copy of the ORA minutes from their monthly Board Meeting and a copy given to Ms. Salazar. Chief Spivey clarified the voucher reimbursement system in detail, by stating at the end of the season after the vouchers had been paid out the ORA could come back before Council and ask for the remaining balance of the \$6,000.00 if the Council was satisfied with what the ORA had done throughout the season. Ms. Salazar stated that the voucher reimbursement process wasn't completely spelled out in the meeting from April 2, 2018. Mr. Bliss stated if at the end of the summer and if there is money left from the initial donation, this item should come back on the agenda for a Council decision of donating the difference if any. Mr. Hart agreed.

**8:23 pm Recess**

**8:29 pm Resume**

**Charter Changes**

Ms. Kellam suggested due to the lengthy monthly agenda that Charter Changes and all other issues to include Staggered Council Terms be presented during a special meeting. All Council Members agreed, and set the meeting date for May 17, 2018, at 6:30 pm. Ms. Salazar will advertise.

**RFP for Public Works Contract**

Ms. Salazar stated all changes requested by Council were made to the RFP for the Public Works Contract and is ready to be sent out for bids. Ms. Salazar will advertise.

**Motion: Accept the RFP for Public Works as written by Ted Bliss and seconded by Matt Hart.**

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

**Proposed 2018-2019 Budget**

Mr. Hart opened by stating that he is not in favor of the pay raises and doesn't feel the resources used to come up with the pay increase were not comparable to the Town of Onley. He stated he agrees with a raise, but a 20% increase is a little too much all at once. Mr. Zember is against the whole budget saying the entire process was handled inappropriately, and that the town Attorney should have been present during all budget meetings. He believes that specific issues (salaries) should have been addressed in executive session. Mr. Hart agrees with Mr. Zember that particular items should have been discussed in executive session. Ms. Salazar asked Ms. Kellam if it is appropriate to review budget items in closed session, as no personnel matters were presented during the budget conversation, instead Council proposed implementing a pay scale for the Police Department using those figures to create the budget. Ms. Dize stated she had received several phone calls about the proposed budget and she has a few changes she would like to recommend. First, she would like to decrease the Donation line. Second, Town Beautification decrease the suggested budgeted amount. Third, Employee Bonuses, if employees are receiving the proposed employee increases, she feels the employee bonuses line item needs to be addressed. Ms. Dize recommends still giving a Holiday bonus but all employees receiving the same amount. Making these few changes will be saving about \$15,000.00 and closer to balancing the budget. She states these are suggestions. Ms. Dize says that using reserve money to balance the budget is not a good practice, and for a small town like Onley that Council should be able to balance the budget without using reserve funds. Mr. Finney states the reserve money that is being used to balance the budget has never been used in the past and shows as a figure on paper only. Mr. Bliss recommended eliminating the money allotted for Parks & Rec at this time, and we can readdress at a later time. Ms. Rillo says that if one department bonuses are being cut, then general government bonuses will need to be also cut. Mr. Zember disagrees with cutting the Town Beautification budget as Ms. Salazar will be looking into a new company for banners and we are not sure what the cost will be. Mr. Finney wants to go on record that Ms. Dize is the thriftiest Council Member we have and if she voted to give employee raises then the employees deserve raises. Ms. Dize asked Mr. Hart if he was criticizing the work she and Ms. Rillo had completed on the proposed salary increases. Mr. Hart stated he wasn't criticizing their work but stated the comps of the towns that used to come up with a new pay scale were not comparable to the Town of Onley population wise. Ms. Rillo stated the Town of Onley was not competitive with the other town Police Departments on the shore, and not to mention what our Police Department does for the town residents, they deserve the pay increase to be competitive. Ms. Dize stated for years the Town of Onley

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was comparable with other town but over the last two years with a rise in a cost of living the Town of Onley has fallen behind. Ms. Salazar stated that at this time no pay raises had been given to anyone, these are figures within the budget. A tally of the Council Members in favor of cutting the proposed salaries increases: Rillo; no, Hart; yes, not cutting from where they are now, but cutting from the proposed increase, Zember; yes, Dize; no, Bliss; no, Finney; no.

Mr. Finney stated the Council decided they don't want to cut the money proposed for salaries increases. Mr. Hart proposed cutting all employee bonuses and suggested giving each full-time employee \$250.00 and part-time employee \$ 100.00 for holiday bonus. Ms. Rillo recommended a holiday bonus of \$300.00 for full-time and \$100.00 for part-time, Mr. Finney, Ms. Dize and Mr. Bliss agrees with Ms. Rillo. Mr. Zember states he is against everything regarding the budget.

Chief Spivey stated that the bonus that is asked to be cut is for the employee's performance from the previous year. Bonuses are paid out in July starting the new fiscal year, based on the last year's work. Ms. Custis stated that bonuses for the Police Department began in 2015-2016 and was paid out of the 2016-2017 budget which was a five percent bonus of their pay. Ms. Custis also has concerns about giving a five percent bonus of their pay since employees are getting a significant pay raise. Mr. Bliss responded that he would like to see a matrix put in place that would determine salary increase and bonuses by job performance, and he feels that it is important to take care of the people who work for the town. Mr. Dennis commented that the salary of a Police Officer is \$75,000.00 between salary, retirement, and insurance. Mr. Zember stated the town offers VRS retirement and Health Insurance and pays both at 100% and that is an excellent benefit to have on top of your salary. Ms. Salazar corrected Mr. Zember as the employee pays 5% to VRS and the town matches at 4.78%. Mr. Finney polled the Council about offering bonuses this year for job performance from the previous year: Hart; no, Rillo; yes, Zember; yes, (but added that he didn't appreciate Mr. Finney comment "I don't know what he is trying to say now and I don't care, and it is very cruel to say something like that" - Mr. Finney commented that he is frustrated that Mr. Zember has been up and down and has drawn everything out), Dize; yes, Bliss; yes, and Finney; yes. Ms. Salazar clarified the bonuses would be left in the budget. Mr. Hart stated he would like to put some money aside in the Parks & Rec account to start the process of a playground for the town kids to have a safe place to go and play and keep the kids off of the street. He states the town offers nothing for the kids in town. Mr. Hart would like to work a deal with the ORA to place the playground equipment on their property in return the town provide yard maintenance. Ms. Rillo has concerns about ORA business plan and putting playground equipment on land that could be taken by the bank poses a big problem. The poll of Council Members to keep the \$10,000.00 in the budget for Parks and Rec (playground) Hart; yes, Rillo; no, Zember; no, Dize; no, Bliss; no, Finney; no. Ms. Custis stated the additional liability insurance allocated for the playground needs to come off the budget. All Council Members were all in agreement to reduce the Donation Budgeted Line to \$10,000.00, earmarked to ORA (up to \$6,000.00), SPOTS (4,000.00). The poll of Council Members Hart; yes, Rillo; yes, Zember; yes, Dize; yes, Bliss; yes, Finney; yes. Ms. Rillo asked if mosquito control could be reduced for supplies and salary and have the town sprayed two times a week instead of three, all Council Members agreed. Town Beautification Budget was left at \$10,000.00. Mr. Bliss questions the Public Works increase. Ms. Salazar stated the increase in Public Works comes from adding two extra days a week. Council Members commented on the how nice the town looks with having Bruce the extra days. Ms. Salazar stated we are still short \$21,479.00 in balancing the budget. Mr. Hart said he would cut his salary if other Council Members do the same, and that would be a saving of \$25,000.00, Mr. Finney and Mr. Bliss are not in favor of that. Council is in agreement to use \$21,479.00 from the reserve account to balance the budget. Ms. Salazar verified that these funds would be used to balance the budget and asked for a motion to send to Public Hearing and to have budget advertised.

**Motion: Motion: To accept the 2018-2019 budget as is with corrections by Ted Bliss and seconded by Dawn Dize**

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

#### **Closed Session**

**Motion: To go into Closed Session in accordance with Section 2.2-3711(A) of the Code of Virginia of 1950, as amended for the purpose of Paragraph 1: Discussion or Consideration of Personnel Matters pertaining to General Government, specifically related to personnel matters of all employees by Woody Zember and seconded by Matt Hart.**

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

#### **Open Session & Certification of Closed Session**

**Motion: To return to Open Session 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**

A roll call vote was taken before 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:

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

#### **New Business**

##### **Resignation of Zoning Administrator**

Ms. Salazar read Mr. Pavlick resignation letter to Council. She stated that Mr. Pavlick since had contacted Ms. Salazar and is willing to be a consultant for the town on zoning matters, but not be an employee of the town. Mr. Finney stated he should have written a letter to Council stating his interest in doing consultant work for the town. Mr. Zember would like to see a copy of the resignation letter. Ms. Salazar will have a copy available at the town office.

**Motion: To accept the resignation of the Zoning Administrator 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**

##### **Zoning Administrator Vacancy**

Council would like to go ahead and advertise the position/vacancy. Mr. Zember would like this to be done ASAP.

Ms. Salazar stated there are several zoning permits pending at this time.

**Motion: To appoint Jamye Salazar as Acting Zoning Administrator until the position is filled by Dawn Dize and seconded by Ted Bliss.**

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

##### **Discussion of Health Insurance in lieu of Council Pay**

Ms. Salazar stated she and Ms. Kellam had research and this is a possibility. She contacted Accomack County, and they pay a portion of the Supervisors health insurance but not the full premium. Ms. Kellam stated that whatever is done for the employees will have to be done for the Council Members (i.e., town

pays 100% of employee's health insurance so therefore the town will have to pay 100% of the Council Member insurance as well). Variables to consider: age, Council Terms, pre-existing conditions, and the cost is age-based, missed Council meeting (if you miss more than two sessions you will lose the health insurance), under the new policy. Mr. Zember will like to look at the current health insurance policy. The premium most likely will be more than what the Council Member pay will be. Ms. Kellam stated that more research will need to be done, if Council considers this.

#### **Appointment of Treasurer**

According to the Town Charter, the Town of Onley will need to have someone appointed to the position of Treasurer. Ms. Salazar stated that based current duties it would be more appropriate that Ms. Salazar be appointed to that position.

**Motion: To appoint Jamye Salazar as Treasurer 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**

#### **Sale of Ferris Lawn Mower**

Ms. Salazar stated that during the budget meeting it was mentioned to sell the Ferris lawnmower but wasn't able to act on it. If Council indeed wants to sell the lawnmower, the usual process is to advertise and accept sealed bids with stipulations. Council would like it advertised in the local newspaper.

**Motion: We advertise the sale of the Ferris lawnmower 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**

#### **Discussion of staggered Council terms**

Mr. Bliss stated the upside of the staggered terms for newcomers would have the other Council Members to provide guidance the downside it will be difficult to get anything done. Ms. Kellam provided written information on the staggered terms policy, and information will be attached to minutes. Ms. Custis stated Onancock has staggered Council Terms and also said that we had a new Mayor and five new Council Members all at one time. Ms. Rillo states that staggered terms aren't such a bad idea, but she would like the longer term (longer than every two years) and feels it would help things get done. Mr. Finney, Mr. Hart and Mr. Bliss and Ms. Dize all like the two years and leave it like it is.

#### **25489 Maple Street (The old OVFD Bldg)**

Mr. Hart asked Ms. Salazar to add this to the agenda. He thinks if the bids for the new town office come in higher than expected the town should have a fallback plan. It is his suggestion to have the OVFD appraised to have another avenue in case the bids come in way too high. Mr. Hart would like to see the town save money where we can. He states that the proceeds the OVFD received from the sale of the building will be donated to a charity. Mr. Hart says even if the bids come back at a decent rate the town should consider purchasing the building if not for a meeting hall but maybe for a future fire department.

**Motion: We have the property located at 25489 Maple St. and all the properties the OVFD owns be appraised for a future purchase by Matt Hart and no seconded. MOTION FAILED**

#### **FOIA and the importance of following the law**

Mr. Hart asked to have this added to the agenda. He attended an FOIA course with Mayor Pierson and Mrs. Pierson and Ms. Salazar, and this is a serious matter. For the last four years, after the Council meeting have been adjourned, there is hanging around after the meetings. He knows it is a small town, and we like to talk and chit-chat, but it seems like people are hanging around for hours, and during that

time he feels like town business is being discussed. He would like to see the hanging around after the meetings come to a stop; it is unprofessional, no town Attorney present and no minutes are being taken. He suggested that once the meeting was adjourned that the Council Members leave timely. Mr. Bliss asked Mr. Hart for an example of the extending hanging around after the Council Meetings. Mr. Hart stated that he knows Council Members were going to defensive and that is the human reaction. Mr. Hart says again that the hanging out after the meeting has got to stop because town business is being conducted. It was admitted to Mr. Hart that town business was talked about after the meeting was adjourned, that is not allowed. Mr. Finney asked Mr. Hart to site-specific information that he was told was conducted. Mr. Hart stated he no longer wanted to discuss this matter and that three people will be receiving subpoena's and further discussion can happen in court. Mr. Hart said to Mr. Finney; this is not a funny matter, and this is very unprofessional. Mr. Zember stated he agrees that people shouldn't be hanging out after the meetings, people shouldn't go into the office and conversations with each other and suggest this or that, everyone has a personal view and has the right to speak option. Mr. Finney asked Mr. Hart about the subpoena. Mr. Hart stated he is unable to discuss as it is an open case.

#### **Patrol Vehicle/Town Vehicle Use**

Council Members agreed to allow Ms. Salazar to use the extra patrol vehicle for town business when the car is available.

**Motion: To allow Ms. Salazar to use the extra patrol vehicle when available 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**

#### **Public Comments**

Billie D. Custis stated she is happy with the budget the last two year no reserve funds were used to balance the budget and feels comfortable with the \$21,000.00 shortfall. Business Checks happen in Onancock often and are done on foot patrol by the Town Officer, and cards are left. Foot patrol is done to secure the business (i.e., doors left unlocked). She assumes that skateboard on public roads is still illegal. The kids that play near Matt Harts house she witnessed herself on a skateboard on the street. About VDOT issues someone representing the town needs to go to the Board of Supervisors meeting and voice the town's complaints and concerns. Ms. Custis believes the Planning Commissions have staggered terms for swearing in. Ms. Custis stated you wonder why no one comes to these meetings. I suggest that each of you go and listen to the recording of this meeting and you will know why. Discussions and decisions are made, and then it gets discussed again and again at the following meeting, and issues get beat to death over and over again. Downtown Onancock does look good, and Danny Doughty (artist) is a significant reason why he has done all the downtown revitalization.

Mr. John Dennis stated when the next Town Council term begins, he would like to see the town Attorney read the public participation rules as to what you can and cannot do cause a lot of the members are not aware of what you can and can't do.

Bill Ferguson stated the last thing you should even consider cutting is Public Safety. He also said he has a lot of respect for all the Council Members and he feels that everyone brings something great to the table, he wishes he could see a fresh atmosphere and that all Council Members can get along. Everyone needs to find peace somehow.

### **Council Comments**

Mr. Hart agrees with Mr. Ferguson I do hope that can happen. A lot got accomplished tonight, a much longer meeting than he wished for being it is almost 10:30 pm. Mr. Hart states he was hoping the town would consider purchasing the old firehouse or at least getting an appraisal and exploring those options. He doesn't feel it is wise to continue to rely on neighboring Fire Departments for Public Safety. He stated that Public Safety is his number one concern. In years past the Fire Department was a big part of this community and he feels it is sore without it. Mr. Hart has a fear that the firehouse will be purchased and used for something that will become a nuisance to society and the town residents will have to live with it forever. Mr. Hart stated he was dissatisfied with the budget, once again going into another fiscal year without a park. The population of kids in town is overwhelming, and it would be nice if the kids had a place to play. He states he brought in a camcorder to the meeting tonight but didn't turn it on. The reason for the camcorder was for protection, he feels on occasion he is ganged up on for voicing his concerns which is the law, he is not calling people out because he doesn't agree with people politically and it is not for political gain. He is calling people out because he is tired of seeing the law broken, if Mr. Hart is going to abide by the law, then he expects the people he serves with should do the same. Mr. Hart stated he had contacted VML and books sent to the Town Office which pertained to FOIA and the importance of following FOIA. Mr. Hart noted that he hasn't posted anything on social media about it but wants to go on record stating it is his freedom, it is his right, and he wore the uniform to defend that right, and be gosh darn if anyone is going to tell him he can't post on social media.

Ms. Rillo commented; unfortunately, some Council Members can't see Mr. Hart's social media posts. She feels this was a very good meeting tonight but a long meeting.

Mr. Zember would like to thank everyone for coming tonight. He said he is disappointed at how the Council Members get along, and some issues need to be resolved. God Bless everybody.

Ms. Dize stated that the Council members need to figure somehow a way to get along, and when you accuse somebody of something that is not at all the truth, you need to get your facts straight. She states she can't understand why when something has been discussed and voted on the Council has to go back and discuss it over and over again. Ms. Dize says she doesn't garner the respect that she should, and she has never been on any committee that has so much friction, talk on the street, and talking about each other, and it needs to stop. Everyone here is adults, and the Council needs to figure somehow out a way to get along because with all this friction we aren't doing the town any good. Ms. Dize thanked Mr. Finney for stepping up in the absence of the Mayor and acknowledged the great job he has done.

Mr. Bliss thanked everyone for coming and staying for the lengthy meeting. He would like to thank all of the town staff.

Mr. Finney stated in 2008 when he first started coming to the meeting the meeting was a pleasure to attend. These aren't meetings anymore these are wars. Mr. Finney stated that he was made aware tonight that he will be receiving a subpoena, which looks good on the town when another Town Council Member is carrying you to court. Mr. Finney says employees get praised at the meeting and the very next day get an email stating how bad of a job you have done (Jamye - John how bad of a job you have done). Mr. Finney said he thinks they do a good job, all of our employees do a good job. Mr. Finney states all he hears on the street is negativity and how the Council hasn't done anything for the town. He states the town has 2.5 million dollars in the bank; the town looks great the best it has looked in years, taxes are low, no water bills with all that the Council has done pretty well. Mr. Finney would like to address conflict of interest. A Council Member who owns property in town and owns businesses but

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he votes on matters that will pad his pockets. Mr. Finney states the Council Members need to learn how to get along because we are hurting the town.

**Adjourn**

**Motion: To adjourn at 10:41 pm by Matt Hart and seconded by Ted Bliss.**

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

**Mr. Hart left the meeting before vote was taken.**

Respectfully submitted by audio,

Melissa Taylor  
Clerk

Henry E. Finney  
Vice Mayor