

## Onley Town Council Minutes of June 4, 2012

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 4th day of June, 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 Don Strautz. The Pledge of Allegiance to the Flag was led by Billy Chance.

### Adoption of Agenda

Mayor Custis welcomed everyone and asked to add 1A. Town Office Emergency under Police Report on the agenda.

**Motion: To adopt the agenda with the change by Lance Eller and seconded by Don Strautz. 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 May 7, 2012 Regular Monthly Council Meeting by Ned Finney and seconded by Lance Eller. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

**Motion: To approve the minutes of the May 14, 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

Chief Marks stated that there is a revised schedule in the blue folder with a change pertaining to July 6<sup>th</sup>.

**Motion: To approve the July 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 there has been some vandalism at the Town Office. The top and bottom glass in one window and the storm door has been broken. She asked Council to suspend the procurement policy since she feels that this is an emergency and she required Mr. Finney's assistance on Sunday morning in getting things repaired quickly. The window had to be boarded up until the window could be ordered. She added that the other window on the front of the building will also need to be replaced due to the age of the building; those windows are no longer available.

**Motion: To suspend procurement due to the emergency nature of the vandalism on June 3<sup>rd</sup> and the authorization of a purchase of a storm door and two windows by Don Strautz and seconded by Dawn Dize. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Chief Marks asked Council to consider the purchase of an alarm system. Ms. Salazar has contacted ADT and Alarm Engineering for price quotes. Mr. Finney suggested a camera. Chief Marks stated that cameras are quite expensive and not always effective. There was a question as to why the parking lot next to Sage Diner has been closed off. Chief Marks stated that the property owner has stated that no one is allowed to use that lot except Mr. Detail. Mr. Engelhart stated that he believes they have inquired with the County about permits to tear the building down. Mayor Custis added that the 2009 silver Charger is back at Hertrich for repairs on the anti-lock brake module.

### **Treasurer's Report**

Ms. Salazar stated that there are some additional payables that came in after the packets went out. She stated that this has been a stellar month for deposits due to the bank franchise tax coming in fairly higher than expected. This brings our regular checking balance to almost \$200,000.00. Adding that we earn very little interest on this account, she asked Council to consider moving some money from the regular checking account into the money market account or consider the purchase of a CD.

**Motion: To pay the Payables 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 transfer \$125,000.00 from the regular checking account to the money market account at PNC Bank by Lance Eller and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### **Zoning**

Mr. Engelhart stated that he has spoken with Cathy Plant from the Health Department regarding the sewage and the drain fields at the new Town Office. He believes that we can fit the proposed size of the Town Office on the building site and utilize the existing system providing it is still sound. We will not have an answer to that until we apply for the permit and they come out and field test.

Royal Farms has made a new application for the sign. That will be advertised and hopefully have a hearing at the July meeting. He added that they have decided not to proceed with the strip center next to the Sage Diner due to the economy.

Regarding the Nicolls matter, he has received two bids and is pursuing a third for the clean-up of the property.

He stated that there has been an application for a Subway sign to go on the Walmart building. He has spoken with David Fluhart and Mark Taylor for their opinion. They feel that since the building is on one parcel now, the Town does not have precedence but the conditional use permit given to them by the County will need to be amended. He added that while Subway is not in Onley – the sign would be. This would technically be an off premise sign. Ms. Burge stated that she would like to talk to Mark Taylor about this but she does feel that the Town line does matter – it being one parcel is not significant.

Mr. Engelhart concluded by saying that there have been some complaints about the odor from the home based business owned by Woody & Andrea Zember. This is a violation of the special use permit granted to them last year. He has spoken with the Zembers and they feel that the smell is from when the crabs are being cooked- not sanitation problems. Mr. Strautz agreed that he has noticed the odor two times when he visits the post office. Mr. Eller stated that he has smelled it twice but it only lasts from an hour to an hour and a half. There were some questions as to where the crabs are being picked as well as how many. Mr. Engelhart replied that he believes they are picking outside but there was no limit on how many crabs would be picked a day. Council agreed that there is a need to monitor the situation.

### **Attorney's Report**

Ms. Burge stated that she has completed the grounds maintenance contract this past month. She has also reviewed the VRS Resolutions that will be discussed later on the agenda.

### **Old Business**

Mayor Custis asked how Council would like to proceed now that the Health Department questions have been answered. Mr. Finney stated that he is not in favor of the exterior of the building being board and batten since it will need to be painted regularly. He also wondered which would be the most efficient. Mr. Strautz asked if there is a vinyl out there that may be used. Mr. Higgins stated that brick would be most efficient. He added that decisions need to be made about the roof and certain other areas. Mr. Higgins offered to draw up preliminary architectural plans to save the Town as much money as possible. He stated that he is quite busy during the next month if Council could be patient. Mr. Finney stated that he will be happy to wait on Mr. Higgins and is very appreciative of any help that he can give. Mr. Engelhart stated that David Fluhart's office does not require an architect stamped plan which may be in our favor. Council decided to have the building taken off of the agenda until they hear back from Mr. Higgins.

Mayor Custis read the Grant Coordinator's Report. A copy will be attached.

**Motion: To approve the Byrne Jag grant expenditures by Ned Finney and seconded by Jack Pierson.**

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

Mayor Custis read a letter from Jan Siglin stating that the Planning Commission voted to change the number of members to five since it seems impossible to have a quorum. Ms. Burge stated that the Planning Commission can consist of 5-15 members.

**Motion: To accept the recommendation from the Planning Commission to reduce the number of members to five by Don Strautz and seconded by Dawn Dize. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis stated that Mr. Eller will be leaving the Planning Commission when he leaves Council at the end of June. She added that Mr. Gardner will be coming in as a Council member and wishes to leave the Planning Commission. There is a Public Hearing on July 2 before the Regular Meeting – Mayor Custis asked how this will need to be handled. Ms. Burge stated that once Mr. Gardner resigns, that position can be filled immediately. She added that the Planning Commission members should be taking an oath of office and feels like that it should be done at the July meeting.

The clean-up of garage and pod is still where it was last month.

The deposit for the Welcome to Onley signs has been sent and they should be done before the end of the month. Mr. Strautz asked what will happen with the old signs. Mayor Custis stated that Council may want to consider switching the old signs with the smaller signs at the other locations.

Mr. Eller made the motion at the last Planning Commission to send the Royal Farms Special Use permit to Public Hearing at the next meeting or earlier if Council is planning to meet again. Ms. Burge recommended that we wait until July 2<sup>nd</sup>. Mr. Engelhart will take care of the advertising.

### **New Business**

Mayor Custis presented Council with the Resolution for VRS – Employer Contribution Rate. A copy of this document will be attached. Mr. Strautz asked for further explanation of this document. Ms. Burge and Mayor Custis explained that essentially Council will need to decide what contribution rate that they want to make to their employees retirement accounts. VRS is giving you the choice of taking a lower rate (3.85%) for the short term but essentially the Town will eventually owe the difference from the actual rate of 4.95%. Council decided to pay the entire rate at this time.

**Motion: To adopt the Resolution for VRS – Employer Contribution Rate with a rate of 4.95% by Lance Eller and seconded by Ned Finney. Voice Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis then presented Council with a Resolution for VRS – Member Contributions by Salary Reduction. She explained that Council will need to give a 1-5% pay increase to employees for the purpose of funding their VRS retirement account through salary reduction. The question is whether to give the entire 5% this year or spread it out over the next five years. Council agreed to pay the entire 5% at this time. Council has always paid the 5% for the employee, but that is no longer allowed by the state.

**Motion: To adopt the Resolution for VRS – Member Contributions by Salary Reduction with the entire 5% beginning July 1, 2012 by Lance Eller and seconded by Ned Finney. Voice Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis stated that there has been a request by a citizen to have a street light installed on Ashbrooke Drive in the Lakewood Development. Ms. Salazar called ANEC and in order to do this a contract will need to be signed and a connection fee of \$20.00 will be collected. The monthly cost will be billed to us. Mr. Eller stated that this is a private street – it is not state maintained. That being the case, Council felt that it is not up to the Town to take care of this matter.

Mayor Custis presented Council with the employee medical insurance renewal that contains an increase of 32.05%. Council agreed to have Ms. Salazar shop this and see if she can't get us a better rate. Ms. Salazar stated that she spoke with our representative and made it clear that this is probably not going to be acceptable to Council. She has also contacted several other providers in the area for rate quotes. Mr. Strautz offered to help Ms. Salazar with researching other options. Ms. Burge suggested that another thing for Council to consider is possibly choosing a plan with a higher deductible and having the Town pick up the deductible amount for the employee if necessary. Council will revisit this matter once more information is available.

#### **Public Participation**

No one signed up to speak. Mayor Custis asked if anyone wished to. No one did.

#### **Council Comments**

Mr. Pierson thanked Mr. Eller.

Mr. Strautz expressed his gratitude to Mr. Eller for serving, welcomed Mr. Gardner and thanked the Public for coming to the meetings.

Mr. Eller thanked the Public for allowing him to serve and stated that he believes that the Town Council is headed in the right direction.

Mr. Chance thanked Mr. Eller and welcomed Mr. Gardner.

Mr. Finney thanked Mr. Eller and assured him that he will be missed. He thanked Mr. Engelhart for his work as well. He asked Mr. Chance to have his facts straight when repeating things around Town adding that he has heard that Mr. Chance is not happy about spending money to build a new Town Office. He reminded Mr. Chance that he voted in favor of it at the time.

Ms. Dize thanked Mr. Eller for his service and welcomed Mr. Gardner.

Mayor Custis thanked Mr. Eller and asked if we can still call him if necessary. Mr. Eller agreed to help in any way that he can. He added that he would love to continue serving but his family obligations have to come first.

**Closed Session**

**Motion: To go into Closed Session at 7:52pm in accordance with Section 2.1-344-A of the Code of Virginia of 1950, as amended for the purpose of Paragraph 1: Discussion or Consideration of Personnel Matters pertaining to the evaluations for all employees by Dawn Dize and seconded by Lance Eller. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

**Open Session**

**Motion: To return to Open Session at 8:34pm By Lance Eller and seconded Dawn Dize. 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; Gardner-yes; Pierson-yes; Strautz-yes.

**Motion: To give employees bonuses based upon evaluations in lieu of a pay raise do to the possible increase in health insurance with the following amounts suggested: \$1000.00 to Officers Bennett & Spivey; \$1,500.00 to Chief Marks; \$2000.00 to Ms. Salazar; \$500.00 to Mr. Engelhart; \$250.00 to Ms. Amadeo and \$500.00 to Sergeant Coulbourn with a re-evaluation of Sergeant Coulbourn in 60 days and the possibility of another \$500.00 for him at that time by Lance Eller and seconded by Dawn Dize. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis stated that we need to come back and discuss the alarm system, the Nicolls property, Mr. Gardner's resignation from the Planning Commission and the employee health coverage.

Mr. Finney asked when to pay the bonuses. Council decided that they will be paid on Friday, June 8th.

**Motion: To recess at 8:40pm until June 11 at 6:00pm by Don Strautz and seconded by Lance Eller. Vote:** Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

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Jamye Salazar, Treasurer

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Billye D. Custis, Mayor