

## Onley Town Council Minutes of July 6, 2016

VIRGINIA: At the Regular Monthly Meeting of the Onley Town Council held at the VVA Building, 25534 East Main Street, on the 6th day of July, A.D., 2016:

Council Members Present: Jack Pierson, Mayor  
Ned Finney  
Dawn Dize  
Matt Hart  
Susan Rillo  
Woody Zember

Staff Present: John Pavlik, Zoning Administrator  
Jamy Salazar, Treasurer  
John Spivey, Chief of Police  
Michael Sterling, Town Attorney

### **Call to Order**

Mayor Pierson called the meeting to order at 6:30pm.

### **Oath of Office – Mayor & Town Council**

Sammie Cooper, Accomack County Clerk of Court, administered the Oath of Office to Mayor Pierson and each Council Member at this time.

### **Invocation & Pledge of Allegiance**

The invocation was given by Ned Finney and the Pledge of Allegiance was led by Dawn Dize.

### **Appointment of Planning Commission**

Mayor Pierson asked that Council re-appoint the current Planning Commissioners as well as consider the appointment of John Kluis. Ms. Salazar stated that Mr. Kluis has verbally expressed interest and is more than qualified to serve. She stated that Council should have a memo stating just that. Mr. Finney asked that Ms. Salazar have Mr. Kluis put his request in writing before they make an official appointment.

**Motion: To re-appoint Rose Pierson, G. Wayne Byrum and Don Bowling to the Planning Commission by Ned Finney and seconded by Susan Rillo. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

Mayor Pierson stated that each Commissioner would need to go to the Clerk's office to be sworn in.

### **Adoption of Agenda**

Ms. Dize asked to amend the agenda and add a discussion of the recent Council pay raise under Old Business. She added that she would like some input from our attorney to make sure that the pay increase was done properly. Ms. Sterling stated that he would be unable to give her any answers tonight but he can certainly look into the matter and get back to Council with an answer. Mayor Pierson suggested that it be discussed at the August meeting.

**Motion: To adopt the agenda by Ned Finney and seconded by Dawn Dize.**

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

### **Recognition of Valor – Sergeant George R. Bennett, OPD**

At this time, Sergeant George Bennett was presented with a plaque in Recognition of Valor for performing an act above and beyond the call of duty as a police officer. Chief Spivey read a synopsis of

the event and Mayor Pierson presented Sergeant Bennett with the plaque. A copy of both will be attached to the minutes.

### Consideration of Minutes

**Motion: To accept the minutes of the June 6, 2016 Public Hearing for Proposed 2016-2017 Budget & Regular Monthly Meeting by Dawn Dize and seconded by Susan Rillo. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

**Motion: To accept the minutes of the June 20, 2016 Meeting by Ned Finney and seconded by Susan Rillo. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

### Department Reports

#### Police Report & Schedule

Chief Spivey asked for Council's approval of Sergeant Bennett and himself attending the HRCJTA Advanced Supervision & Management training at a cost of \$470.00 as well as Chief Spivey attending FBI Virginia Law Enforcement Executive Development Seminar at a cost of \$850.00.

**Motion: To send Chief Spivey and Sergeant Bennett to the HRCJTA at a cost of \$470.00 by Ned Finney and seconded by Susan Rillo. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

**Motion: To send Chief Spivey to the FBI training at a cost of \$850.00 by Ned Finney and seconded by Susan Rillo. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

Chief Spivey stated that Officer Turner has completed General Instructor's School with a 100% pass rate. Lastly, he told Council that the Police Department has taken some initiative on enforcing the town decal ordinance. He added that he personally spoke with a few people and Officer Turner has been placing flyers around town notifying citizens of the need to purchase the decals as well as making them aware of several upcoming checkpoints.

**Motion: To approve the August 2016 schedule by Susan Rillo and seconded by Dawn Dize. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

#### Treasurer's Report

Ms. Salazar gave her report at this time stating that some of these numbers may change since it is still early in the month and added that there are additional payables to consider when making the motion to approve the payables.

Ms. Salazar stated that there is a CD that is maturing on July 22<sup>nd</sup>. She stated that Council can either meet again to discuss it at that time or have the CD closed and deposited into the money market account until the August meeting. Mr. Zember asked if it is correct that there is about 1.5 million in money market accounts and, if so, at what rate of interest. Ms. Salazar stated that is correct and the interest rate is .50%. Mr. Zember asked Council why there is so much money being kept in two money market accounts with a rate of only .50%. Ms. Salazar explained that while interest rates in general are very low right now, it is even harder to get better rates on money that is classified as public funds. She added that some banks don't even want to accept public funds due to the fact that it has to be handled differently than personal funds. Mr. Zember said he feels that is a lot of cash to have readily available in a money market that we are not going to use right away. He added that he would like for us to get several opinions from our bankers or our lawyer as to what our options are for moving some of this money from money market to regular CD's. Ms. Salazar stated that she will contact some of the banks and get rates for the August meeting. She added that sometimes the banks want to know how much money we are talking about before they quote a rate. Council agreed to have her look into some better rates to present at the August meeting.

Finally, Ms. Salazar stated that she attended a Zika Presentation at the Virginia Department of Health in Accomac earlier in the month and basically the Town of Onley is doing everything that they can do to combat mosquitoes and the potential for the Zika virus.

**Motion: To Pay the June 2016 Payables including the additional payables by Ned Finney and seconded by Susan Rillo. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

**Motion: To close the CD at Shore Bank when it matures on 7/22/16 and deposit the entire balance into the money market account by Ned Finney and seconded by Woody Zember. Roll Call Vote:** Hart-yes; Rillo-abstain; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

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

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

### **Attorney's Report**

Mr. Sterling stated that he has prepared a petition to appoint members to the BZA and added that there is still one vacancy. He has also prepared a petition for a Special Election in light of the Council vacancy but it has not been submitted to the court as of yet. He has reviewed the Motor Vehicle Ordinance to make sure it is okay to be implemented. He has also reviewed some grant information as well as some sign ordinances.

### **Planning Commission Report**

Rose Pierson stated that there is nothing new to report adding that they are still working on the Comprehensive Plan.

Ms. Salazar stated that Ms. Pierson would like to attend the Land Use Education Program to become a Certified Planning Commissioner. The cost to attend the online training is \$500.00.

**Motion: To send Rose Pierson to the Land Use Education Program at a cost of \$500.00 by Ned Finney and seconded by Susan Rillo. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

### **Public Works**

Ms. Salazar stated that per a request from Council last month, she contacted VDOT to ask them not to spray the sidewalks/ edge of properties in town. Unfortunately, they sprayed the morning that she called. She has requested that be the last time. She, along with Mr. Pavlik, has learned that VDOT is agreeable to that but they would like us to consider edging the sidewalks. If Council agrees to that, the Town will need to apply for a permit to do so and there are some criteria that we would have to meet in the way of safety. Ms. Salazar stated that the flags went up and down for the July 4<sup>th</sup> holiday. The grass cutting continues as well as litter pick-up and the cleaning of the storm drains. Lastly, she stated that they have done some weeding at the beautification project per Ms. Siglin's request. She added that Sterrett's Garden Center has donated quite a few day lilies and daffodils that will be planted in the fall. The grass in the sidewalks needs to be removed and she has spoken with Mr. Simpson and expressed her concern about that. He has assured her that he will have two men here to work on that by the end of the week. Lastly, the treatment of the crepe myrtles seems to be working, so he will now begin to treat all of them. Ms. Rillo asked if we are still spraying for mosquitoes. Ms. Salazar said that we are and that Mr. Scott was in last week to meet with the Mayor about some of our concerns. We have learned that he is no longer spraying on specific days due to the rain but he assures us that he is spraying two days a week. Mr. Zember asked what time he sprays. Ms. Salazar said that he is supposed to be spraying before sunrise. Mr. Zember said that he has seen him at 6:30 am down by the Wine Rack. Ms. Dize asked about the leftover mulch. Ms. Salazar stated that it will be moved to the roses at the town office.

### Old Business

Mayor Pierson asked Mr. Finney to give an update on where we are with the building of a new Town Office. Mr. Finney stated that he has spoken with Mike Higgins and he is willing to draw up new plans if that is our wish. He has also spoken with GMB and the building that they presented will now cost about \$800,000.00 to build. He stated that he would like to form a building committee and have Mr. Higgins draw up some new plans. Mr. Zember asked how long we have been talking about this matter. Mr. Finney stated about five years. Mr. Zember then replied that he feels we need to “grab the bull by the horns” and start doing something. Mayor Pierson asked if he had any suggestions. Mr. Zember stated that he wants to draw up plans but he is not in favor of hiring a consultant at a cost of \$45,000.00-\$50,000.00. Mayor Pierson stated that Council has never planned to do that. Each Council Member expressed interest in being on the Building Committee. Mr. Finney will contact Mike Higgins and get back to Council with a date to meet.

Mayor Pierson stated that the town has been asked to consider the possibility of swapping a town owned parcel by the old Agriculture Building and a sum of money for the piece of property across from the town office. Mr. Finney stated that he wants the town attorney to handle this matter as he does not believe Council can make this transaction at this time. Mr. Sterling asked that Mr. Hart recuse himself from this conversation at this time. Mr. Hart agreed. Mr. Sterling then stated that Council can have any discussion that they want about purchasing property to be used for a park or any other purpose. He added that he suggested several meetings ago, that Council have a study done and decide whether there is interest in purchasing the property and what you might want to do with it. He reminded Council that the town can buy any piece of property but they cannot use it for anything that is not in the Comprehensive Plan. Mr. Sterling stated that he believes that the particular parcel in question is not zoned for a park so Council may need to re-zone the property but they haven’t even begun the purchase as of yet. Mayor Pierson asked what Mr. Sterling suggests that Council do. Mr. Sterling said that if there is a piece of property that the town wants to bring into its inventory that they can do so and then perform the study to see what will be a suitable use for the property. He stated that the first step to all of this is to have a proposal from the owner of the property spelling out the terms of sale. Once that is received, Council should decide how to respond to it. Ms. Rillo said that she feels we can’t make any decisions until we have the proposal.

### New Business

Mayor Pierson stated that Council needs to appoint someone to the position of Vice-Mayor.

**Motion: To appoint Dawn Dize as Vice-Mayor by Matt Hart. There was no second to the motion.**

At this time, Mr. Finney asked to be considered for the position.

**Motion: To appoint Ned Finney as Vice-Mayor by Susan Rillo. There was no second to the motion.**

Jan Siglin stated that in terms of highest votes, it should go to Mr. Zember. She added that is the way it has been done in the past. Mr. Sterling asked Ms. Salazar for the Town Charter explaining that he is not aware of that rule. At this time, Ms. Dize stated that she feels Mr. Finney has done a good job as Vice-Mayor and she feels that the general consensus is that he should continue on. She said she does not have a problem with that. Mr. Sterling stated that after reviewing the Town Charter, the Vice-Mayor is elected by majority of the Town Council.

**Motion: To appoint Ned Finney as Vice-Mayor by Susan Rillo and seconded by Dawn Dize. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-abstain; Finney-abstain. MOTION PASSED

**Motion: To appoint Jamye Salazar to the position of Clerk/Treasurer for the Town of Onley by Susan Rillo and seconded by Matt Hart. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

**Motion: To appoint Michael Sterling to the position of Town Attorney by Susan Rillo and seconded by Ned Finney. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

**Motion: To appoint John Spivey to the position of Chief of Police by Matt Hart and seconded by Susan Rillo. Roll Call Vote:** Hart=yes; Rillo=yes; Dize=yes; Zember=yes; Finney=yes. MOTION PASSED

Mr. Sterling read Ordinance 001-16 into the minutes. A copy will be attached.

**Motion: To adopt Ordinance 001-16 for the Motor Vehicle Code of Virginia by Ned Finney and seconded by Dawn Dize. Roll Call Vote:** Hart=yes; Rillo=yes; Dize=yes; Zember=yes; Finney=yes. MOTION PASSED

**Motion: To adopt the 2016-2017 Meeting Schedule by Dawn Dize and seconded by Susan Rillo. Roll Call Vote:** Hart=no; Rillo=yes; Dize=yes; Zember=yes; Finney=yes. MOTION PASSED

Mayor Pierson asked Mr. Hart if there was a problem with the schedule. Mr. Hart asked Ms. Salazar if Mayor Pierson received a copy of his letter about the smoke in the building. Ms. Salazar stated that everyone on Council got a copy of the letter. Mr. Hart explained that is the reason he voted not to approve the schedule. He does not want to meet in a building that smells of cigarette smoke.

**Motion: To adopt a FOIA policy and appoint Jamye Salazar as the FOIA representative by Ned Finney and seconded by Susan Rillo. Roll Call Vote:** Hart=yes; Rillo=yes; Dize=yes; Zember=yes; Finney=yes. MOTION PASSED A copy of the policy will be attached.

Mayor Pierson explained that Council cannot appoint anyone to the vacant Council seat until Mr. Strautz's thirty- day time frame has elapsed. Mr. Sterling asked Ms. Salazar to have Mr. Strautz put something in writing stating that he does not plan to take the oath. Ms. Salazar will do so.

**Motion: To adopt the Resolution for Bank Authorized Signatories by Ned Finney and seconded by Susan Rillo. Roll Call Vote:** Hart=yes; Rillo=yes; Dize=yes; Zember=yes; Finney=yes. MOTION PASSED

Ms. Salazar presented Council with a letter from Peter Surran, who has been appointed Accomack County Fire Inspector, asking that Council make a decision as to how they want to handle the Statewide Fire Prevention Code. Council agreed to draft an ordinance stating that the County will handle the Town's Fire Prevention Code.

### **Public Comments**

Jan Siglin publically thanked Sterrett's for their donation to the garden area in town.

Ted Bliss signed up to speak but did not wish to at this time.

Michael Janisewski signed up to speak but did not wish to at this time.

Mary Wardius did not wish to speak.

Chris Davis signed up to speak. Mayor Pierson stated that he needs to talk with Mr. Davis.

Rose Pierson thanked everyone for the appointment.

Chris Davis stated that he would like to speak about the proposal package that he gave to Mayor Pierson. On August 1<sup>st</sup>, the OVFD is poised to close its doors and cease service. He stated that he is working with the County on an acquisition plan for their equipment. He added that it is hard to maintain a volunteer fire service without volunteers but he does realize that life is busy. He then said that the proposal that has been submitted is a request for assistance from the town if the town feels the fire department is valuable enough to keep around. He has researched the effect of the ISO rating on insurance but does not believe it will effect insurance rates much or at all. He then gave some statistics about response times and apologized for the short notice, adding that the Town will be covered but he cannot guarantee what the response time will be since it will be from other fire companies. He feels that they do a very good job as a fire department but, if they cannot continue the reliability, they will close on August 1<sup>st</sup> and yield to the Accomack County Department of Public Safety to handle calls in the Town of Onley. Mayor Pierson stated that he does not want to ignore this proposal adding that he would like the Town Council to meet with the Accomack County Board of Supervisors to go over this proposal and see if it is a viable solution to the problem. Mayor Pierson asked who will run the station if they do not close on August 1<sup>st</sup>. Chief Davis said that he will remain the Chief even though he will also be taking a full-time job with Accomack County. Laura Belle Gordy asked to speak and stated that neither

Accomack County nor the Town of Onley has anything to do with the closing of the fire department. Mayor Pierson agreed adding that the OVFD has no accountability to the Town of Onley or Accomack County and they are a separate entity from the Town.

### **Council Comments**

Mr. Hart thanked everyone for coming and thanked Chief Davis for coming and bringing his proposal. He added that he is a huge supporter of the OVFD and does not want to see us lose it. He is hoping to strike a deal and keep them in town. He stated that he was hoping that the building would not be so smoky tonight. It is bothering him to meet at this location due to the smell of cigarette smoke. He would like to move to a cleaner environment for the meetings adding that he does not feel it is safe to ask people to meet in such a smoky environment. Lastly, he stated that he wrote a letter to the other Council Members expressing his concern about this matter but it has apparently been ignored.

Ms. Rillo thanked everyone for coming and stated that she is looking forward to accomplishing some things in the next two years.

Ms. Dize thanked everyone for coming. She stated that she wants to move forward on the new building. She said that she will be very upset if they have to close the OVFD. She was a member of the Ladies Auxiliary and helped them to raise money years ago. She thanked Sergeant Bennett for his service and welcomed Mr. Zember to Council. She concluded by asking that everyone speak up when talking since it is hard to hear things in that building. She would like to see us acquire a PA system.

Mr. Zember thanked everyone for coming as well as electing him to his current position. He stated that he has been a Councilman before and he has always tried to do the best he can for the Town of Onley. He would like to see more attendance at the meetings and more suggestions from the residents. He said that when he was on Council before, he may have made the motion to implement the meals and occupancy tax which has made a substantial difference in the size of the budget that Council works with now. He is not here to spend a lot of money but he does feel there are things that need to be done and he feels Council needs to get on top of and stay on top of some things needed here in town.

Mr. Finney welcomed Mr. Zember. He said that his hope is to get moving on the building so there will be a safe clean place to meet as Mr. Hart discussed earlier. He thanked the employees.

### **Closed Session**

**Motion: To go into Closed Session at 8:15pm in accordance with Section 2.2-3711-(A) of the Code of Virginia of 1950, as amended for the purpose of Paragraph 1: Consultation with Legal Counsel and briefing by staff members or consultants pertaining to actual or probable litigation, specifically pertaining to the Dept. of Fire Programs Aid to Locality Grant & Ordinance Violations by Dawn Dize and seconded by Susan Rillo. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes.  
MOTION PASSED

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

**Motion: To return to Open Session at 8:30pm by Ned Finney and seconded by Dawn Dize. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

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: Pierson-yes; Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes.

**Motion: To rescind the motion made at the June 6<sup>th</sup> meeting to disburse the ATL Fire Grant money splitting it between Tasley & Onancock Fire Departments by Ned Finney and seconded by Woody Zember. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

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Mr. Sterling stated that the report is due to the Department of Fire Programs before the next meeting so we should let them know that the money has not been disbursed. Ms. Salazar agreed.

**Adjourn/Recess**

**Motion: To adjourn at 8:34pm by Susan Rillo and seconded by Matt Hart. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

Respectfully submitted by,

Jamye Salazar  
Treasurer

Jack Pierson  
Mayor