

## Onley Town Council Minutes of July 13, 2015

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the VVA Building, 25534 East Main Street, on the 13th day of July, A.D., 2015:

Members Present: Jack Pierson, Mayor  
Ned Finney, Vice-Mayor  
John Dennis  
Dawn Dize  
Matt Hart  
Susan Rillo  
Don Strautz

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

### Call to Order

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

### Invocation & Pledge of Allegiance

The invocation was given by Ned Finney and the Pledge of Allegiance was led by Susan Rillo.

### Adoption of Agenda

**Motion: To adopt the agenda by John Dennis and seconded by Susan Rillo.**

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

### Consideration of Minutes

Ms. Salazar asked to add on page four of the June 8<sup>th</sup> minutes that the motion to not move forward with the building was made by Ned Finney and seconded by Don Strautz. She also asked to change the line item 10-665-050 to 10-660-050 in the June 18<sup>th</sup> minutes.

**Motion: To adopt the Minutes of the June 8, 2015 Public Hearing for Proposed 2015-2016 Budget & Regular Monthly Meeting & June 18, 2015 Recessed Meeting with the changes by Ned Finney and seconded by Matt Hart. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

### Department Reports

#### Police Report & Schedule

Chief Spivey stated that the department has worked on some pretty serious cases this month and added that Officer Turner has started working and should be a nice addition to the department.

Chief Spivey asked that Council ratify their decision from a poll of Council to move forward with the repair of the 2010 Ford Explorer at a cost of \$1,590.41.

Chief Spivey stated that before the next meeting he will touch base with the in-car camera system company to move forward with that purchase.

**Motion: To approve the repair of the 2010 Ford Explorer at a cost of \$1,590.41 by Don Strautz and seconded by Ned Finney. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

**Motion: To adopt the amended July 2015 schedule by Don Strautz and seconded by Don Strautz. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

**Motion: To approve the August 2015 schedule by Don Strautz and seconded by Ned Finney. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

### **Treasurer's Report**

Ms. Salazar stated that in her absence at last month's meeting, a motion was made to give the OVFD the ATL grant money in the amount of \$8,000.00. She clarified that the amount of the grant was \$9,000.00 and an additional check in the amount of \$1,000.00 has been issued to the OVFD. She further added that the original check in the amount of \$8,000.00 was not properly posted and she has since done so and there is a new page six of the budget reflecting the correction. She added that a check in the amount of 1,000.00 was received this past Friday from the ATL grant and a decision will need to be made as to how to spend it. Lastly, she pointed out a correction on the last page of the payroll expense report stating that John Pavlik's paycheck for May 15 was not posted at that time but has since been corrected. She concluded by giving an overview of the budget for the year ending June 30, 2015.

**Motion: To Pay the June 2015 Payables by Ned Finney and seconded by Don Strautz. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

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

Mr. Pavlik read his report into the minutes. A copy of this report will be attached. In reference to the need for a zoning map, Ms. Burge stated that incorporated areas are already visible on the County maps. She further added that it is up to us to tell the World View what the zoning designations are – they should not tell us. After a small discussion, the overall consensus of Council was not to enter into any sort of arrangement with World View.

### **Attorney's Report**

Ms. Burge said that she has checked all of the State codes referencing the Motor Vehicle Code of Virginia that will be discussed later on the agenda. She would like to speak about the SPOTS/Railroad lease when it is reached on the agenda. Lastly, she has prepared a draft contract with Simpson's Tree Service. There was some discussion last month about whether or not to add a provision for the possibility of renewal for two years but a final decision was not made. She asked that Council give her direction as to whether or not they wish to have that two year renewal extension added. Council agreed that Ms. Burge will put together the final contract adding the possibility of a two year extension.

**Motion: To include in the Public Works contract with Simpson's Tree Service an option to renew the contract two times for one year each by Don Strautz and seconded by Ned Finney. Roll Call Vote:**

Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

### **Public Works**

Ms. Salazar stated that at last month's meeting, there was some concern about the ivy growing on the crepe myrtles. She has spoken with Mr. Simpson and he will keep an eye on it to make sure it is not detrimental to the crepe myrtles. There was also some question as to who should be spraying. She explained that it depends on what is being sprayed. The flags were put up for July 4<sup>th</sup> and they will come down tomorrow. They have been cutting grass and cleaning some storm drains. She believes they have done some weeding but she is not completely sure since she was on vacation for half of the month. Lastly, Ms. Salazar asked for Council's thoughts on replacing Mr. Shaw. She apologized for bringing it up so soon after Mr. Shaw's passing but she knows we need to be proactive. She added that she knows several people who may have the proper license but finding contact information is harder than you may think. She will continue to look and notify Council as soon as she can find someone. Mayor Pierson

suggested she contact Lance Eller at VDOT. Mr. Dennis suggested calling Gary Young at USDA to find out what license is actually required. At this time, Billye D. Custis stated that it would be nice if the town did a resolution for Mr. Shaw.

### **Planning Commission Report**

Ms. Siglin stated that the Planning Commission is working on amendments to the zoning ordinance. She asked Mr. Strautz to pass along some information from Connie Morrison from ANPDC. Mr. Strautz stated that no one on the Planning Commission is qualified to change some of the verbiage and technical data. There is also the issue of conflicting data found on the web. He stated that Ms. Morrison suggested that the Planning Commission write a letter to Elaine Meil asking that the ANPDC review it and make the proper changes. He expressed concern about this after learning that they have just completed one for Exmore for approximately \$15,000.00. Mr. Strautz stated that basically the Planning Commission does not feel comfortable making the necessary changes. Ms. Siglin stated that they were told that they are not allowed to make the changes. Mr. Strautz would like to do a final review of the Comprehensive Plan at the next Planning Commission meeting and hopefully determine that it's okay to proceed. Ms. Burge stated that she is not familiar with any requirement that makes you have certain existing data in the plan or doesn't allow for the Planning Commission to make changes. She will look into this matter. Mr. Strautz feels that the bit about not making changes may have come from the previous Planning Commission Chairman.

### **Old Business**

Ms. Burge stated that Mr. Bruce Penland has asked for consideration from SPOTS to use the property by the train station as a Farmer's Market. She stated that the town has a lease with the railroad station that places stipulations on appropriate uses for the property. She would like to verify that lease before any decisions are made about this matter. Council agreed. Ms. Siglin asked if Council would approve the letter requesting that VDOT address some of the drainage issues at the property. Mayor Pierson explained that Ms. Siglin brought a letter by the office for him to sign but he did not feel comfortable doing so without Council's input. Ms. Siglin stated that it is merely a formality- VDOT has already added the property to their list of upcoming projects. Mr. Strautz asked who has been negotiating things with VDOT. Ms. Siglin stated that he is a member of SPOTS and VDOT who has to drive through all of the standing water in that area. Mr. Strautz stated that just because it gets put on a list here on the Shore does not guarantee approval in Suffolk. He agreed with the Mayor that anything having to do with the Town should come before Council. Council asked to see the letter before making any decisions.

### **New Business**

**Motion: To re-appoint Jamye Salazar to the position of Treasurer by Don Strautz and seconded by Susan Rillo. Roll Call Vote:** Hart=yes; Rillo=yes; Dize=yes; Dennis=yes; Strautz=yes; Finney=yes. MOTION PASSED

**Motion: To re-appoint Cela Burge to position of Town Attorney by Susan Rillo and seconded by Dawn Dize. Roll Call Vote:** Hart=yes; Rillo=yes; Dize=yes; Dennis=yes; Strautz=yes; Finney=yes. MOTION PASSED  
Chief Spivey asked if should be appointed at this time. Ms. Burge stated that customarily the Chief has not been appointed yearly but after looking at the Town Charter, she stated that it would be appropriate.

**Motion: To re-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; Dennis=yes; Strautz=yes; Finney=yes. MOTION PASSED

Ms. Burge read Ordinance 001-15 for the Motor Vehicle Code of Virginia into the minutes. A copy of the ordinance will be attached.

**Motion: To adopt Ordinance 001-15 for the Motor Vehicle Code of Virginia by Susan Rillo and seconded by Don Strautz. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

**Motion: To adopt the 2015-2016 Monthly Meeting Schedule by Ned Finney & seconded by Don Strautz. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

A copy of the schedule will be attached.

Mayor Pierson stated that in light of last month's decision to not move forward with the building of a new town office, he would like Council's input on other options. Mr. Finney stated that he has been talking with Mr. McArthur from GMB and Mr. McArthur feels that we can build the previously proposed building for \$600,000.00.

**Motion: To set a \$600,000.00 budget to build the previously proposed building by Ned Finney. There was no second.**

At this time, Mayor Pierson told Mr. Finney that he should not be discussing town matters or meeting with anyone on his own – matters need to be brought before Council so that everyone is included in all discussions.

Ms. Burge explained that if Mr. Finney wished to discuss the building again, the appropriate motion to be made is to rescind the motion to not move forward with the building.

**Motion: To rescind the motion to not move forward with the building and continue meeting at the VVA building by Ned Finney and seconded by Don Strautz. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Dennis-no; Strautz-yes; Finney-yes. MOTION PASSED

**Motion: To ask Mr. McArthur from GMB to attend next month's meeting and bring some cost cutting measures for a continued discussion about the building of a new town office at a maximum cost of \$600,000.00 by Ned Finney and seconded by Don Strautz. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-no; Dennis-no; Strautz-yes; Finney-yes. MOTION PASSED

#### **Public Comments**

Billye D. Custis stated that Council needs to give Mr. McArthur the dollar amount that they wish to spend on this building. She feels that we are wasting his time by continually asking him to come from Salisbury with no intentions of spending the kind of money that he is currently proposing.

Laura Belle Gordy stated that she comes to the meeting and she has no idea what is being said. She asked that Council consider using a PA system since it is very hard to hear what is happening. She added that she thinks spending \$600,000.00 on a building is ridiculous. She asked why we cannot enlarge the current town office.

Rose Pierson stated that she agrees with Ms. Gordy. She feels that \$600,000.00 is too much to spend and she likes the idea of enlarging the current town office.

Ms. Rillo stated that she thought the plan was to separate the government offices from the police department.

Mayor Pierson stated that he asked Chief Spivey his thoughts on that and Chief Spivey does not feel that it is necessary to separate those departments at this time.

#### **Council Comments**

Mr. Hart stated that while he is in favor of a new building, he is not in favor of spending \$600,000.00. He would like for Council to consider the possibility of purchasing the agriculture building as another option.

Ms. Rillo stated that Council needs to explore all of our options at this point. She is in favor of meeting again with GMB but if they cannot bring down the cost of the building, we should look into refurbishing an existing property.

Ms. Dize thanked everyone for coming. She thanked the employees. She stated that while she would like a new meeting place, she is not in favor of spending \$600,000.00. She said that some citizens have told her that they are not in favor of spending that kind of money. Mayor Pierson suggested that she tell those people to come to the meeting and give us their input.

Mr. Dennis thanked everyone for coming. He stated that he showed Mr. Pavlik a paper from a building contractor stating that he could build a building for \$300,000.00. Mayor Pierson suggested that he invite that contractor to a meeting – this way Council can weigh all of their options.

Mr. Strautz thanked the employees and the residents for attending the meeting.

Mr. Finney thanked the employees and the residents for coming to the meeting.

#### **Closed Session**

**Motion: To go into Closed Session at 8:10 pm 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 Police Department & General Government specifically related to employees' performance evaluations by Don Strautz and seconded by Ned Finney. Roll Call Vote:** Dennis-yes; Hart-yes; Strautz-yes; Finney-yes; Rillo-yes; Dize-yes. MOTION PASSED

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

**Motion: To return to Open Session by Ned Finney and seconded by Matt Hart. Roll Call Vote:** Dennis-yes; Hart-yes; Strautz-yes; Finney-yes; Rillo-yes; Dize-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; Dennis-yes; Hart-yes; Strautz-yes; Finney-yes; Rillo-yes; Dize-yes.

**Motion: To promote Officer George Bennett to Sergeant with a probation period of six months by Ned Finney and seconded by Matt Hart. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

**Motion: To give all Police Officers except Officer Turner a 5% bonus – Officer Turner will receive \$200.00 by Ned Finney and seconded by Don Strautz. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

**Motion: To give all office staff consisting of the Treasurer and both Clerks a 5% bonus by Ned Finney and seconded by Susan Rillo. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Dennis-yes; Strautz-yes; Finney-yes. MOTION PASSED

Mr. Hart asked if the Zoning Administrator should be included in any of this. Mayor Pierson stated that a motion was made to re-evaluate him after a six month period so Council will do so at that time.

#### **Adjourn/Recess**

**Motion: To adjourn at 8:44pm by John Dennis and seconded by Susan Rillo. Roll Call Vote:** Dize-yes; Rillo-yes; Finney-yes; Strautz-yes; Hart-yes; Dennis-yes. MOTION PASSED

Respectfully Submitted,

Jamye Salazar  
Treasurer

Jack Pierson  
Mayor