

Onley Town Council Minutes of August 6, 2012

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 6th day of August, A.D., 2012:

Members Present: Billye D. Custis, Mayor
Billy Chance
Dawn Dize
Ned Finney
Fred Gardner
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 Dawn Dize.

Adoption of Agenda

Mayor Custis welcomed everyone and stated that it was good to see Mr. Chance out after his surgery. Mr. Chance thanked everyone for the cards and fruit basket. Mayor Custis also thanked Council for allowing her to attend the VML Newly Elected Officials conference because it was very informative. Mr. Gardner agreed that it was informative and added that he feels that everyone on Council should be given the opportunity to attend. Mayor Custis asked Council to add Council Orientation Date under New Business if they would like to have an orientation with Ms. Burge in the next few weeks.

Motion: To add a meeting for a Council Orientation by Don Strautz and seconded by Fred Gardner.

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

Motion: To adopt the agenda adding Council Orientation Date under New Business by Ned Finney and seconded by Fred Gardner. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Consideration of Minutes

Ms. Dize asked for an explanation of the CALL on the July 2nd minutes. Mr. Strautz stated that is the Central Accomack Little League.

Motion: To approve the minutes of the July 2, 2012 Regular Monthly Council Meeting by Ned Finney and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes;

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

Department Reports

Police Report & Schedule

Motion: To approve the September 2012 police schedule by Don Strautz and seconded by Ned Finney.

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

Mayor Custis asked about the status of the vests. Chief Marks stated that the grant needs to be approved before the money is actually spent so they are waiting for approval so that the vests can be ordered.

Chief Marks asked Council to approve his attendance at the First Line Supervisor's School held by the FBI. This training will be held October 1st – October 5th in Richmond. The tuition is \$60.00 and the cost of the hotel will be \$47.00 per night.

Motion: To send Chief Marks to the FBI First Line Supervisor's School by Jack Pierson and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Chief Marks asked Council to consider the possibility of adding a fifth officer to the department. Mayor Custis noted that if Council wishes to do so, an amendment to the budget will be necessary which will require a public hearing on the matter. Chief Marks stated that with Royal Farms coming, he feels that it is time. He added that there is a certified officer available at this time. Mr. Gardner asked if having a fifth officer will take us to 24 hour coverage. Chief Marks stated that we will be close to that. Mr. Pierson wondered if Royal Farms will pick up any of the cost for police protection. Chief Marks did not know. Mr. Finney asked about the officer that Chief Marks has in mind and what the timeline is for him. Chief Marks stated that he would like to get them in by November. Mr. Gardner asked if a new car would be necessary. Chief Marks stated that the Crown Vic is now being used as a spare but would be sufficient if a new officer is hired. Mayor Custis stated that in her experience, a new car is never asked for right away but always seems to be needed within a few months of hiring a new officer. Council asked Ms. Salazar to put some numbers together for the cost of a fifth officer for next month's meeting.

Treasurer's Report

Ms. Salazar pointed out to Council that on the payroll expense report, all full-time employees got two separate paychecks for the first pay period in July due to the 5% pay raise made mandatory by VRS. She added that on the purchase journal, you will see that the Town paid only a portion of the employee retirement and the employee picked up the rest. She concluded by stating that we ended the month with revenue over expenses in the amount of \$13,942.68.

Motion: To pay the Payables by Ned Finney and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Zoning

Mr. Engelhart stated that this has been a busy month. The Nicolls clean-up project is almost complete. Allstate Salvage has removed all of the vehicles and the smaller items will be picked up tomorrow. Mr. Engelhart thanked the Police Department for their help as well as Mayor Custis, Vice Mayor Pierson and Ms. Burge adding that this was not an easy task to accomplish but they were all instrumental in making sure that it did.

He stated that he along with Chief Marks and Mayor Custis attended some Walkability Workshops. He believes that it is a good idea and he hopes that it keeps momentum. He added that from an economic standpoint, he thinks the Town of Onley should stay involved with this since it should help us down the road.

There is an upcoming public hearing for a conditional use permit for the hospital. He stated that Chief Marks has also met with some people from the hospital in reference to traffic patterns and entrances. Mr. Engelhart does not feel that they have adequately addressed these issues at this time. He feels that they are not accounting for the library and Royal Farms as well as some other issues. In his opinion, these are only a few of the things that the Town may need to "keep an eye on". He added that he is relying heavily on the County Planning Department to address some of these issues as well. Chief Marks added that he too is concerned about the projected new traffic pattern, the figures that they are using as well as the fact that no one has actually been here to visualize the intersections.

He concluded by reporting that the application for an off-premise sign at the Walmart has been tabled. Mayor Custis stated that she did not realize that having an off-premise sign was ever a privilege granted in Onley. Mr. Engelhart replied that it can be granted but only with a special use permit.

Attorney's Report

Ms. Burge stated that she has worked throughout the month with Mayor Custis, Chief Marks and Mr. Engelhart on the Nicolls case. She also reviewed the Optima Employee Health Insurance contract and made several observations in reference to that. She reviewed the Alarm Engineering contract and has made (along with a representative from Alarm Engineering) some changes to that contract; however there are still several issues that she would like to discuss further when that topic is reached on the agenda. She concluded by saying she has reviewed the current Waste Management contract and will also discuss that when it is reached on the agenda.

Old Business

Mayor Custis spoke with Mr. Higgins about the property at 25571 E. Main Street and he would like to continue with the "hold" on the discussion of this for another month.

Mayor Custis read the grant administrator's report. A copy will be attached.

Motion: To approve the Byrne Jag grant expenditures making a match of \$450.00 and an additional \$40.02 by Ned Finney and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

There was no discussion about the clean-up of the garage and pod.

Ms. Burge stated that there were a number of objectionable provisions within the Alarm Engineering contract. She contacted a representative from there and was able to reach a compromise on most of these issues. There were only three changes that they are unable to make. The first relates to indemnification and hold harmless that they want the Town to give to them for any and all liabilities. The second is a limitation of any liability – the maximum being six times your monthly rate or \$250.00. The third item would be liability in the case of a contract dispute – the maximum being six times your monthly rate or \$250.00. She stated that she cannot recommend that the Town accept these provisions or indemnifications. She added that Alarm Engineering explained that they are not their provisions but their insurance carriers so our unwillingness to agree to such provisions may be a deal breaker. If this is this case, the only other options will be to pursue an alarm system with another company or perhaps even re-think the idea of purchasing an alarm system at all. Council agreed to have Ms. Burge keep an open dialogue with Alarm Engineering to see if they are able to make the changes in their contract before pursuing other avenues.

Mayor Custis opened the sealed bids for the sale of the dump truck and utility trailer. The first bid was from J. Lance Eller for \$1,648.00 for the dump truck. The second bid was from Charles Simanski for \$777.00 for the dump truck and \$227.00 for the trailer; however if he does not have the winning bid on the truck, he does not want the trailer. The third bid is from J. Lance Eller for the trailer in the amount of \$523.00. The fourth bid was from Carl Bacci for the trailer in the amount of \$601.00. She reminded Council that the ad did state that the Town has the right to refuse all bids. The value of the dump truck is \$2,650.00-\$3,525.00. There was no value available for the trailer.

Motion: To accept the bid(s) from J. Lance Eller to purchase the dump truck and the utility trailer for the total amount of \$2,171.00 by Ned Finney and seconded by Jack Pierson. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Ms. Burge stated that the Town has the opportunity to extend the Waste Management contract for an addition two one-year terms based on the consumer price index. She advised that we need to find out that amount before a decision is made. Ms. Salazar will contact Waste Management for that information.

New Business

Mayor Custis asked Council if they would be agreeable to refunding the 2011 real estate tax payment to Lighthouse Ministries. It seems that the building behind the thrift store is no longer being rented out and the County has given them a tax exemption status. Mr. Strautz explained that the County is issuing them a refund and upon hearing that he called Mayor Custis and asked if Council might be willing to do so as well.

Motion: To refund Lighthouse Ministries 2011 real estate tax payment due to their tax exemption status by Ned Finney and seconded by Fred Gardner. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis presented Council with a list of delinquent taxpayers and asked how they would like to proceed with collections. Ms. Burge stated that there are several options out there for collections on real estate but personal property taxes are much harder to collect. Council agreed to have Ms. Salazar write reminder letters with the hope that some delinquencies may be oversights or errors. The general consensus was that if no response is made to the first letter, Ms. Burge will work with Ms. Salazar in writing a much strongly worded letter and proceed from there.

Mayor Custis would like to hold off on forming the 2012-2014 Committees until after the Council Workshop Orientation given by Ms. Burge.

Motion: To meet on Monday, August 27th at 6:30pm here at the Fire House for a Council Workshop Orientation by Don Strautz and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Public Participation

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

Council Comments

Mr. Pierson had no comment.

Mr. Gardner had no comment.

Ms. Dize asked who cleaned the grass around the Town signs. Mayor Custis stated that she and her husband did. Ms. Dize thanked them and told them that it really looked nice and added that she would have been happy to help.

Mr. Chance thanked everyone.

Mr. Finney thanked Mr. Engelhart for his hard work. He thanked Mr. Eller as well.

Mr. Strautz stated that he was happy to see Mr. Chance and glad that his rough time seems to be behind him. He thanked everyone for coming to the meeting.

Mayor Custis stated that Council has received a thank you note and a plate of brownies from Mr. & Mrs. Chance for everything during his illness. She thanked Chief Marks and Mr. Engelhart for attending the Walkability Workshops. She added that Laura Belle Gordy and George McMath also attended from the Town of Onley. She concluded by letting Council know that there has been an issue with citizens calling Waste Management for additional garbage cans.

Closed Session

Motion: To go into Closed Session at 7:36pm 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 specifically pertaining to the re-evaluation for an employee by Don Strautz and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Open Session

Motion: To return to Open Session at 7:50pm by Don Strautz and seconded Ned Finney. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-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; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes.

Mr. Strautz thanked Mr. Pierson for being at the Nicolls site and trying to diffuse the situation a little bit. Ms. Burge agreed and thanked Mr. Engelhart and Chief Marks for their handling of the situation as well. She added that she was very impressed with how Chief Marks handled the whole situation.

Motion: To recess at 7:55pm until August 27th at 6:30pm by Don Strautz and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Jamye Salazar, Treasurer

Billye D. Custis, Mayor