

## Onley Town Council Minutes of September 5, 2012

VIRGINIA: At a Regular Monthly Meeting of the Onley Town Council held at the Onley Fire & Rescue Building on the 5th day of September, 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 Billy Chance. The Pledge of Allegiance to the Flag was led by Jack Pierson.

### Adoption of Agenda

Mayor Custis welcomed everyone and asked to add 8c. Kiwanis signs under New Business.

**Motion: To adopt the agenda with the change by Dawn Dize and seconded by Fred Gardner. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### Consideration of Minutes

Ms. Salazar asked to make several changes to the minutes. She asked to change the word patters to patterns under the Zoning Report on the August 6<sup>th</sup> minutes.

**Motion: To approve the minutes of the August 6, 2012 Regular Monthly Council Meeting with the change by Don Strautz and seconded by Fred Gardner. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Ms. Salazar asked to combine safety and public works and technology and broadband under the committee designation.

**Motion: To approve the minutes of August 27, 2012 with the change by Ned Finney and seconded by Don Strautz. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

### Department Reports

#### Police Report & Schedule

After looking at the activity log, Mr. Strautz asked if Sergeant Coulbourne has been off. Chief Marks stated that Sergeant Coulbourne has been working but he has had two friends pass away this month as well as his daughter undergoing surgery on both eyes. He has spoken with him and the situation should rectify itself. Mr. Strautz asked if the number of assists to the Sheriff's Dept. and the Onancock Police Department seemed high at a rate of 17 and 12 respectively. Chief Marks did not feel that they were excessive adding that they assisted the VA State Police 6 times last month.

**Motion: To approve the October 2012 police schedule 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 stated that the officers have been fitted and the vests have been ordered.

Mr. Finney stated that he feels the town needs a fifth officer in anticipation of Royal Farms. Mr. Gardner suggested taking the money from reserve to cover the first year and consider raising taxes to cover the following years. Ms. Salazar stated that she contacted the Town of Exmore and they collect about \$29,000.00 per year in meals tax from Royal Farms adding that they collect 5% while we only collect 4%. Ms. Dize wondered if maybe we could charge a fee based on sales percentages.

Mayor Custis stated that we have many small businesses and the economy is not good therefore she does not think that would be a good idea. Mr. Finney asked Mr. Engelhart if Don Valerio's is still planning to come to the Plaza. Mr. Engelhart stated that according to Mr. Hall they are. Mayor Custis stated that while we may have some new businesses coming to Town, we have also lost some so often the money collected is a wash. She also took this opportunity to let Council know that the cost of garbage pickup is going up a bit adding that we are one of the few Towns that does not charge for garbage pick up. She stated that she is not in favor of hiring a police officer at \$40,000.00 per year and taking the money from reserve adding that obviously there would be no reserve after a few years. Mr. Pierson agreed stating that it will be some time before the hospital is open and does not want Council to make a decision about the fifth officer tonight. Mr. Strautz agreed adding that he feels there are other things that the Town needs more than a fifth officer. Mr. Finney agreed with Mr. Strautz but stated he feels eventually we will need the fifth officer. Mayor Custis suggested revisiting the idea when preparing next year's budget. Council agreed.

Chief Marks told Council that on September 2<sup>nd</sup> Officer Bennett had an incident where he used his taser. He added that all procedures were followed.

Chief Marks asked if everyone had looked over the mutual aid agreement. Mr. Finney is concerned about taking officers out of the Town. He would like for the officer being sent out of Town to first check with Chief Marks for his approval or not go. Ms. Dize asked if other towns like Parksley were planning to sign. Chief Marks stated that he believed so and added that the Town can always opt out of this agreement with a 30 day notice. Mayor Custis stated that once our officer has arrived at the scene and things have been secured or other officers have arrived, she feels that our officer should return to Onley. Mr. Finney agreed and stated that he feels that one of the most important parts of adopting this agreement is to give our officers authority at that scene. Ms. Burge stated that our officers have the authority to act as police officers outside of the Town of Onley but as a professional courtesy we normally do not use it. Mr. Finney would like to see a report indicating what officers are being sent and what the problem was. Council also wanted to make certain that upon adopting this agreement, the Sheriff's Department was not given the option of not responding to calls within Town limits. Mr. Pierson stated that at the last meeting, no one seemed to be in favor of adopting this agreement and he sees no significant changes that have been made since then. Mr. Gardner wondered if this might help relations between the two departments.

**Motion: To adopt the mutual aid agreement with Accomack County Sheriff's Department by Fred Gardner and seconded by Ned Finney. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Chief Marks told Council that he will not be attending the FBI training school that he was approved for last month. He stated that there are only a certain number of spots and he did not get in.

### **Treasurer's Report**

Ms. Salazar pointed out that about \$600.00 of the deposits on the deposit detail was delinquent tax money collected in response to the letter that Council requested her to send. After some discussion about our options for collecting delinquent tax money, Council decided to have Ms. Burge draft a letter stating that the Town will begin taking steps towards collection. Ms. Dize asked that Ms. Salazar and Ms. Burge be sure that these taxpayers are really delinquent and there are no oversights. Mr. Strautz and

Mr. Gardner were in favor of making payment arrangements with delinquent taxpayers. Mr. Pierson did not want to make that an option unless absolutely necessary.

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

Ms. Salazar stated that the auditors were here on Tuesday and Wednesday to complete the audit and they plan to present it at the October meeting. Mayor Custis added that she spoke with Mr. Foley and he stated that this was the easiest audit so far.

Mr. Strautz asked how the Optima insurance coverage is working out for everyone. Ms. Salazar said some employees have used it and one even commented that they thought the prescription coverage was better.

Mr. Finney asked if the vests will be worn on the inside or outside of the uniform. Chief Marks will wear his on the outside and everyone else will wear theirs on the inside.

Mayor Custis stated that Ms. Salazar will be attending a records retention seminar in Hampton on October 2<sup>nd</sup>.

### **Zoning**

Mr. Engelhart has received an application for the off-premise sign at Subway/Walmart. The sign will be in the Town of Onley while Subway is not. It is an 18 square foot sign. He will distribute copies of the application to the Planning Commission for the next meeting.

The Town has received a \$2,000.00 check from Allstate Salvage for the clean-up of the Nicolls property. He suggested that we use some of these funds to clean-up the remainder of the property. He asked Council for some direction as to how to do this since he would rather not have to get the required three quotes if he doesn't have to. Ms. Burge stated that this will need to be handled the same way that the first clean-up was handled. We need to stick to our procurement procedures which state that because we are using a third party, we will need to acquire three quotes. Ms. Burge said that she has received a letter from Carl Bundick, an attorney representing Mr. Nicolls, asking to be reimbursed for the vehicles that were removed from his property. She responded that according to the Town Ordinance that Mr. Nicolls is in violation of, the Town does not owe Mr. Nicolls anything and that Mr. Nicolls had the right to contact Allstate Salvage to claim his property but he chose not to.

Mr. Engelhart presented the Accomack County burn ordinance to the Council for review since it has recently been amended due to a typographical error. He stated that if Council wants to continue with the policy of no burning in Town, they will need to enact a new ordinance.

Mr. Engelhart concluded by stating that VDOT has no problems with the new traffic pattern for the hospital so the only obstacle to that plan will be the Accomack County Planning Commission and he is concerned that they will be more concerned with how it looks and not how it works. The hearing for this will be held September 12<sup>th</sup> at 7:00pm. There was much discussion about this topic since everyone seems to feel that there are many concerns that have not been addressed.

### **Attorney's Report**

Ms. Burge has contacted Alarm Engineering to tell them that we are not able to sign the current contract unless they are willing to make several requested changes. She has not heard back from them. She has checked to see if Lighthouse Ministries has a statutory exemption on their taxes and they do not. She thanked Council, Chief Marks and Ms. Salazar for attending her Council Orientation and for being good sports and playing along with her humorous presentation. She stated that she has looked over the Best Ever Lawn Care contract and found that there are safety requirements in their contract that they are responsible for and also she determined that there is a termination provision that requires written notice. Finally, she spoke about the burn ordinance adding that we are covered under the County's ordinance unless we wish to establish our own. She stated that burning is permissible under this

ordinance providing certain measures are taken. Mr. Finney stated that he is fine with the County's ordinance. Mr. Strautz agreed.

Mayor Custis stated that Ms. Salazar has had to call each time that the grass has been cut and the last time that she called, she was told that it would be done by the weekend and it was not done until the following Tuesday. Ms. Dize is concerned about grass growing up in the sidewalks. Mayor Custis stated that when she asked Mr. Gray about this matter, he stated that the sidewalks have been taken care of. Mayor Custis expressed concern that the ditch along Pennsylvania has never been done. Ms. Dize is also concerned that the culverts in the ditches are full of grass and old leaves. Council agreed to send Best Ever a letter stating the Town's complaints and giving them ample time to resolve these issues before any further action is taken.

### **Old Business**

Mike Higgins will be at next month's meeting with a completed floor plan of the interior and exterior elevation with the ADA bath, kitchen, utility room and stairs. He has also done the exterior lighting and outlets. He is still working on the plan for the foundation, the roof and trusses. The electrical plan is done but he will not be doing the plumbing. Mr. Finney added that he has spoken with Harry Parker about the building as well.

There was no grant coordinator's report.

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

There is nothing new on the Alarm Engineering contract. Council asked Ms. Burge to contact them again. Mayor Custis asked Mr. Strautz if he had contacted the CALL to see if they want the donation of public works equipment. Mr. Strautz stated that he did not realize that it had not been done but added that he would be happy to contact someone about that.

Ms. Salazar stated that the new rate for garbage pickup will be \$12.72 per container compared to the current rate of \$12.00 per container. This will mean a monthly rate increase of \$162.00. Mayor Custis added that we are having a problem with waste pickup because some of the drivers will take everything that is put out while others only take what is inside of the Waste Management container. This presents a problem because it means there is often excess garbage on the street not in approved containers as well as the problem of not everything being picked up from week to week. Council seemed to be in agreement that only garbage in the approved container should be picked up.

**Motion: To remain with Waste Management for an additional one year term as part of our current contract with a rate increase of .72 per container by Ned Finney and seconded by Fred Gardner.**

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

### **New Business**

**Motion: To have the Fall Clean-up the week of October 15<sup>th</sup>-19<sup>th</sup> by Don Strautz and seconded by Dawn Dize. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis stated that the Town newsletter will need to be delivered October 4<sup>th</sup>-6<sup>th</sup>.

Council agreed to have Mr. Shaw continue to spray for mosquitoes for the remainder of September and to re-visit this item on the October agenda. They were all in agreement that Mr. Shaw should spray at Nandua for the Relay for Life Celebration.

Council decided that they do not want the Kiwanis Club signs attached to our new Town signs. This also includes any other club signs.

**Motion: To return the Kiwanis Club signs as well as any other additional signs that were attached to the old Town signs to the respective owners by Ned Finney and seconded by Dawn Dize. Vote:**

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

### Public Comments

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

Ada Jo Amadeo expressed concern about the tall grass in Town. Ms. Dize stated that she was planning to tackle this issue along with Mr. Engelhart but would like to give everyone a week due the amount of excess rain that we have experienced. Mr. Pierson stated that he feels the Shore Lodge is becoming unsightly with the laundry thrown over the fence and some other issues. Mayor Custis stated that the Town cannot tell people where to hang laundry. Ms. Amadeo added that she has seen first hand the amount of work that goes into preparing the monthly packets and she hopes that everyone is spending quality time to look over them.

Ned Grinnalds expressed concern about the Walmart intersection.

John Dennis stated that there will be road construction for several days along E. Main Street from the traffic light to Forest Road beginning some time next week.

### Council Comments

Mr. Pierson had no comment.

Mr. Gardner said that it was good to see everyone and that these last couple of months on Council have been an "eye opener".

Ms. Dize thanked the Town employees and stated that she feels they do a wonderful job.

Mr. Chance reiterated Ms. Dize's sentiment and thanked everyone for coming.

Mr. Finney agreed with Ms. Dize and thanked our employees for all that they do as well as Mayor Custis and the rest of Council. He is especially grateful for a Council that gets along well and if there is an issue, it is discussed rationally and without unnecessary bickering.

Mr. Strautz thanked everyone and stated that he feels that this Council is always trying to find a better and economical way of doing things. He used the contracting of Public Works as an example and added that if there is a problem that the citizens should bear with Council because they will get to the bottom of it.

Mayor Custis stated that she received a letter from Bruce Bonniwell stating that he does not feel we need a fifth officer at this time, we do need a Town Clean-up and he feels the Town should hire a maintenance person. She added that each Council member did read the letter earlier in the night and she felt that all of these issues were touched on in tonight's meeting.

Mr. Gardner stated that he feels that Sergeant Coulbourne's illness solidifies the need for another officer.

### Closed Session

**Motion: To go into Closed Session at 8:40pm 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 8:57pm 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.

**Motion: In reference to the adoption of the mutual aid agreement with Accomack County Sheriff's Department, Chief Walter Marks be the only designee to determine who goes on an assist as well as a report of the officer who went and the reason by Don Strautz and seconded by Jack Pierson. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

**Adjourn/Recess**

**Motion: To adjourn at 9:00pm by Ned Finney and seconded by Fred Gardner. Vote:** Chance-yes; Dize-yes; Finney-yes; Gardner-yes; Pierson-yes; Strautz-yes. MOTION PASSED

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Jamye Salazar, Treasurer

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Billye D. Custis, Mayor